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Revised: February 13, 2019
Definitions

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

“Board” means the Board of Education of Clifton.

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

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

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

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

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

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

“Day” means a calendar day.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Construction

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

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

Effectuation

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

Citations

Bylaws, policies and regulations may contain citations to the following codifications of State and Federal laws and regulations:
1. United States Codes – U.S.C.
   20 U.S.C.A. Education


3. New Jersey Statutes
   N.J.S.A. 2C Code of Criminal Justice
   N.J.S.A. 9 Children-Juvenile and Domestic Relations
   N.J.S.A. 10 Civil Rights
   N.J.S.A. 11 Civil Service
   N.J.S.A. 17 Corporations and Institutions for Finance and Insurance
   N.J.S.A. 18A Education
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   N.J.S.A. 24 Food and Drug
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   N.J.S.A. 27 Highways
   N.J.S.A. 30 Institutions and Agencies
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   N.J.S.A. 39 Motor Vehicles and Traffic Regulation
   N.J.S.A. 41 Oaths and Affidavits
   N.J.S.A. 45 Professions and Affidavits
   N.J.S.A. 47 Public Records
   N.J.S.A. 52 State Government, Departments, and Officers
   N.J.S.A. 53 State Police
   N.J.S.A. 54 Taxation
   N.J.S.A. 59 Tort Claims

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

Severability

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

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

Adopted: May 24, 2017
0110 IDENTIFICATION

Name

The official name of the Board of Education shall be “The Clifton Board of Education.”

Purpose

The Clifton Board of Education exists for the purpose of providing a thorough and efficient system of free public education in grades Kindergarten through twelve in the Clifton Public Schools.

Composition

The Clifton Public Schools is comprised of all the area within the municipal boundaries of the City of Clifton.

Classification

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

Address

The address of the Board of Education shall be:
745 Clifton Avenue
Clifton, New Jersey  07013


Adopted: July 6, 2005
0120  AUTHORITY AND POWERS

Authority

The Clifton Board of Education is constituted, authorized, and governed by the statutes of the State of New Jersey, Title 18A, Education.

Powers

The Board shall make, amend, and repeal rules not inconsistent with statutes or with the rules of the State Board of Education for its own government and the transaction of its business and for the government and management of the public schools and the public property of the school district and for the employment, regulation, conduct, and discharge of its employees. The Board shall perform all acts and do all things, consistent with law and the rules of the State Board, necessary for the proper conduct, equipment and maintenance of the public schools of the district.


Adopted: July 6, 2005
The Clifton Board of Education shall exercise its rule-making power by adopting bylaws and policies for the organization and operation of the school district.

Adoption, Amendment, and Repeal

Bylaws and policies may be adopted, amended, and repealed at any meeting of the Board, provided the proposed adoption, at a first reading amendment, or repeal has been proposed and approved at a first reading at a previous meeting of the Board.

At its organization meeting and by a majority vote of the full Board, the Board may readopt existing bylaws and policies without prior notice.

The Board, by a majority vote of the full Board of Education, may suspend the operation of a by-law or policy without prior notice. This adoption, amendment, or repeal of a by-law or policy shall terminate at the next meeting of the Board, or as such earlier date as may be specified by the Board.

The adoption, amendment, repeal, or suspension of a bylaw or policy shall be recorded in the minutes of the Board. Any policy or part of a policy that is superseded by a term in a negotiated agreement or by a subsequently adopted policy shall no longer be in force and effect as a policy.

Promulgation and Distribution

A manual of bylaws and policies shall be maintained. A copy of the manual of bylaws and policies shall be given to each Board member, the Superintendent, the Board Secretary, the Board Attorney, each Building Principal, and other individuals designated by the Superintendent.

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

Each copy of the manual of bylaws and policies shall be numbered; a record of the placement of each manual shall be maintained by the business office. Copies of revised pages will be furnished to the holders of manuals as changes are made to bylaws and policies. The holder of a policy manual shall return the manual to the Board Secretary upon the termination of his/her service to the district.
The manual of bylaws and policies shall be considered a public record open to inspection in the office of the School Business Administrator/Board Secretary. The manual retained by the business office shall be considered the master copy of the policy manual and shall not be modified by any person other than the Superintendent or his/her designee.

Development of Bylaws and Policies

Bylaws and policies will be developed and considered by the Board in accordance with the following procedure:

1. A new or revised bylaw or policy may be suggested to the Board by any Board member, the Superintendent, any staff member, or a member of the public;

2. A suggestion for a new or revised bylaw or policy may be referred, as appropriate to the subject, to the Superintendent, a Board committee, or a public advisory committee for study and formulation of a recommendation to the Board. Any study of a policy suggestion should consider whether the matter is adequately addressed in existing Board policy and whether the matter is more appropriately addressed by administrative regulation;

3. If a recommendation for a new or revised bylaw or policy results from referral for study, a proposed draft will be submitted to the Board for discussion and approval on first reading. Copies of the proposed draft will be made available to staff members and the public, and comment will be invited. Changes in the draft may be made, by a simple majority vote, when the draft is presented for approval on first reading;

4. The proposed draft, approved on first reading, will be submitted for adoption at the next regular meeting of the Board. Changes in the draft may be made by a simple majority vote. A change that alters the substantive meaning of the draft will constitute a new first reading, and the draft must be presented for adoption at the next succeeding Board meeting. A change that is merely editorial may be followed by a vote to adopt the new or revised bylaw or policy on second reading.


Adopted: February 11, 2009
The Clifton Board of Education shall exercise its executive power in part by the appointment of a Superintendent as Chief School Administrator, who shall enforce the statutes of the State of New Jersey, rules of the State Board of Education, and policies of this Board.

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

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

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


Adopted: March 6, 2013
CLIFTON BOARD OF EDUCATION

0133 ADJUDICATION OF DISPUTES

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

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

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

The conduct of adjudicatory hearings of the Board may be specified for those who may be heard by the Board.

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


Adopted: July 6, 2005
The Board of Education may determine to conduct a self-evaluation on a periodic or regular basis. In the event the Board determines to conduct a self-evaluation, it will adopt an evaluation instrument that permits individual Board members to record their assessment of the conduct of the Board in fulfilling its responsibilities in accordance with applicable statutes and administrative codes.

The assessments will be tabulated by the Board President or designee and presented for discussion at a regular meeting of the Board in which the Superintendent will be invited to participate. The Board will formulate, as appropriate, goals and priorities that will serve to guide the Board’s future conduct.


Adopted: November 21, 2019
The Clifton Board of Education shall consist of nine members.

The term of a Board member shall be three years, except that:

1. The term of a member appointed to fill a vacancy shall be from the member’s appointment to the organizational meeting following the next annual election, except that;

2. The term of a member appointed to fill a vacancy within sixty days immediately preceding an annual election shall be from the member’s appointment to the organizational meeting following the second annual election after his/her appointment.


Adopted: July 6, 2005
CLIFTON BOARD OF EDUCATION

BOARD MEMBER QUALIFICATIONS, PROHIBITED ACTS
(INCLUDING NEPOTISM AND CRONYISM) AND CODE OF ETHICS

0142 BOARD MEMBER QUALIFICATIONS, PROHIBITED ACTS
(INCLUDING NEPOTISM AND CRONYISM) AND CODE OF ETHICS

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

Qualification of Office

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

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

A Board member must be able to read and write.

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

A Board member may not have been convicted of a crime or offense as listed in N.J.S.A: 18A:12-1.

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

Each member of the Board of Education, within thirty days of election or appointment to the Board shall undergo a criminal history background investigation for the purpose of ensuring the member is not disqualified from membership due to a criminal conviction of a crime or offense listed in N.J.S.A. 18A:12-1 et seq. The Board of Education will reimburse the Board member for the costs of the criminal history record check. The Commissioner of Education shall notify the Board of Education if a member has been disqualified from membership on the Board as the result of the criminal history record check. The Commissioner of Education will also notify the Board if a Board member has charges enumerated in N.J.S.A. 18A:12-1 pending against him/her and the Board shall take appropriate action. If the pending charges result in conviction, the member shall be disqualified from continued membership on the Board.

Prohibited Acts

“Business” means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, political organization, or other legal entity but does not include a school district or other public entity.
“Interest” means the ownership of or control of more than ten percent of the profits, assets, or stocks of a business but does not include the control of assets in a labor union.

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

“Nepotism” means favoritism or patronage extended towards relatives.

“Cronyism” means favoritism or patronage extended towards friends.

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

No Board member shall use or attempt to use his/her official position to secure unwarranted privileges, advantages, or employment for him/herself, members of his/her immediate family, or others. Nepotism and cronyism are prohibited acts within the Clifton school community.

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

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

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

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

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

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

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

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

Ineligibility for District Employment

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

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

1. Uphold and enforce all laws, rules and regulations of the State Board of Education and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.

2. Make decisions in terms of the educational welfare of children and seek to develop and maintain public schools that meet the individual needs of all children regardless of their ability, race, creed, sex, or social standing.

3. Confine his/her Board action to policy making, planning and appraisal, and help to frame policies and plans only after the Board has consulted those who will be affected by them.

4. Carry out his/her responsibility, not to administer the schools, but, together with fellow Board members, ensure to see that they are well run.

5. Recognize that authority rests with the Board of Education and make no personal promises or take any private action that may compromise the Board.

6. Refuse to surrender his/her independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.

7. Hold confidential all matters pertaining to the schools, which, if disclosed, would needlessly injure individuals, or the schools. In all other matters, he/she will provide accurate information and, in concert with fellow Board members, interpret to the staff the aspirations of the community for its school.

8. Vote to appoint the best-qualified personnel available after consideration of the recommendation of the chief administrative officer.

9. Support and protect school personnel in proper performance of their duties.

10. Refer all complaints to the chief administrative officer and act on the complaints at public meetings only after failure of an administrative solution.
Each Board member is required to sign an acknowledgment that he/she received a copy, read and will become familiar with the Code of Ethics for School Board Members contained within N.J.S.A. 18A:12-21 et seq. The Business Administrator/Board Secretary will provide each Board member with a copy of the Code of Ethics and the required acknowledgement on an annual basis and will maintain the original signed acknowledgment(s) in the Business office.

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

Oath of Office

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


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

School Ethics Commission Policy Guideline 1.

Adopted: November 16, 2011
The Board of Education adopts this Nepotism Policy as a condition of receiving State aid pursuant to N.J.A.C.6A:23A-6.2.

For the purposes of this Policy, “relative” means an individual’s spouse, by marriage or civil union pursuant to N.J.S.A. 37:1-33, domestic partner as defined in N.J.S.A.26:8A-3, or the individual’s or spouse’s parent, child, sibling, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother or half-sister, whether the relative is related to the individual or the individual’s spouse by blood, marriage or adoption.

For the purposes of this policy, “immediate family member” means the person’s spouse, partner in a civil union as defined in N.J.S.A. 37:1-33, domestic partner as defined in N.J.S.A. 26:8A-3, or dependent child residing in the same household.

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

No relative of a Board member or the Superintendent of Schools shall be employed in an office or position in this school district except that a person employed by the school district on the effective date of this policy or the date a relative becomes a Board member or Superintendent shall not be prohibited from continuing to be employed or promoted in the district.

The Superintendent of Schools shall not recommend to the Board of Education pursuant to N.J.S.A. 18A:27-4.1 any relative of a Board member or the Superintendent. However, in accordance with N.J.A.C.6A:23A-6.2(a)2, the district may employ a relative of a Board member or Superintendent of Schools provided the district obtains the approval from the Executive County Superintendent of Schools. Such approval shall be granted only upon demonstration by the school district that it conducted a thorough search for candidates and that the proposed candidate is the only qualified and available person for the position.

In accordance with N.J.A.C. 6A:23A-6.2(a)6.(b), per diem substitutes and students employees who are relatives of a Board member or the Superintendent of Schools shall be excluded from the provisions of this policy and N.J.A.C.6A:23A-6.2

A school district administrator shall be prohibited from exercising direct or indirect authority, supervision, or control over a relative of the administrator. Where it is not feasible to eliminate such a direct or indirect supervisory relationship, appropriate screens and/or alternative supervision and reporting mechanisms must be put in place.
A school district administrator or Board member who has a relative who is a member of the bargaining unit shall be prohibited from discussing or voting on the proposed collective bargaining agreement with that unit or from participating in any way in negotiations, including, but not limited to, being a member of the negotiating team; nor should that school district administrator be present with the Board in closed session when negotiation strategies are being discussed; provided however, that the administrator may serve as a technical resource to the negotiating team and may provide technical information necessary to the collective bargaining process when no one else in the district can provide such information.

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

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

Adopted: April 15, 2010
The election and appointment of Board of Education members will be conducted in strict compliance with law.

The Board shall neither favor nor give the appearance of favoring one candidate over another. When information is released, it shall be made equally available to all candidates. No candidate, including candidates who are incumbent Board members, shall receive preferential treatment.

A vacancy on the Board of Education will be filled by:

1. The County Superintendent, if a vacancy is caused by;
   a. The failure to elect a member, or
   b. The removal of a disqualified member, or
   c. The failure of the Board to appoint a person to a vacancy within sixty-five days, or
   d. The Board’s inability to fill vacancies because a quorum is lacking, or
   e. A tie for election between two or more candidates in a special runoff election.

2. Special election within sixty days of the annual election, if;
   a. Two or more qualified candidates tie for election, or
   b. The annual election is disqualified due to improper election procedures.

3. The Commissioner of Education if there is a failure to elect a member at the annual school election due to improper election practices; or

4. By the Board of Education in all other cases.

The Board Secretary shall immediately notify the President of a vacancy to be filled by the Board; the President shall inform all other Board members immediately. The Board will give public notice of the vacancy and invite any qualified person to request consideration of his/her candidacy for the vacancy.
At a regular public meeting or at a special public meeting called for the purpose of filling the vacancy, any Board member may nominate one or more candidates for election to Board membership, provided that each candidate nominated is, to the best of the nominator’s knowledge, qualified for election and willing to serve. Each nomination will require a second.

The Board will meet in public session to interview candidates and to inform them of the duties and responsibilities of Board membership. The Board may meet in private executive session for the sole purpose of discussing a candidate’s qualifications for membership.

Election to fill a vacancy will be conducted at a public meeting. A roll call vote will be conducted on the entire list of candidates. If there are two or more vacancies, each vacancy will be filled by a separate election. The candidate who receives the votes of a majority of the remaining Board members will be elected to the vacancy. In the event no candidate receives a majority of the votes cast, a second election shall be conducted between the two candidates receiving the highest number of votes.

N.J.A.C. 6:56-1.1

Adopted: January 14, 2015
In order to increase communication between students and the Board of Education, and to foster an understanding of the democratic form of government, the Board offers the opportunity for direct pupil representation at public Board meetings. The Board authorizes the appointment of a student representative, for the mutual benefit of the Board, student body and the school district.

The student representative will be a member of the student body and be in his/her senior year. The office of student representative to the Board of Education will run in the general election that governs the selection to the student council. The position of the student representative becomes a liaison to the Board of Education and represents the Student Body and serves as a liaison between all school recognized groups. The student will be interviewed and briefed by the high school principal, Superintendent, or his designee, and meet the existing criteria prior to election. A high school junior student will also be elected as an alternate representative.

The “term of office” for the student representative will commence September 1st of each year through the last day of school in June, subject to the following guidelines:

1. The student representative may attend regular and special sessions of the Board that are open to the public and shall receive public meeting agendas.

2. The student representative shall express the views of the student body.

3. During such public meetings the student representative may sit on the dais.

4. The student representative shall be excluded from executive sessions of the Board.

5. The student representative shall have no official vote.

6. The student representative shall not have access to records of other students or staff or any other information that the general public is not entitled to.

7. The student representative may address the Board of Education during Board committee reports and be the first report heard.
8. The Student representative may request to attend Education Committee Meetings with matters pertaining to education.

9. The student representative will be expected to adhere to the by-laws and policies adopted by the Clifton Board of Education, including the same code of ethics as elected members of the Board.

The Board retains all of its authority under the Board’s by-laws, policies and statutes.

Adopted: August 1, 2018

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The Clifton Board of Education wishes to ensure that new Board members receive proper orientation and training.

New Board members need to become familiar with the policies and operations of the Board of Education and the operations of the Clifton Public Schools as soon as possible upon taking office.

The Board Secretary shall provide each new member with an up-to-date copy of the district policy manual.

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

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

Each newly elected or appointed Board member shall complete during the first year of the member’s first term a training program to be prepared and offered by the New Jersey School Boards Association, in consultation with the New Jersey Association of School Administrators, the New Jersey Principals and Supervisors Association, and the Department of Education, regarding the skills and knowledge necessary to serve as a Board member.
The training program shall include information regarding the school district monitoring system established pursuant to P.L. 2005, c. 235, the New Jersey Quality Single Accountability Continuum, and the five key components of school district effectiveness on which school districts are evaluated under the monitoring system: instruction and program; personnel; fiscal management; operations; and governance.

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

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

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

Within one year after being newly elected or appointed or being re-elected or re-appointed to the Board of Education, a Board member shall complete a training program on harassment, intimidation, and bullying in schools, including a school district’s responsibilities under P.L. 2002, c.83 (C.18A:37-13 et seq.). A Board member shall be required to complete the program only once. Training on harassment, intimidation, and bullying in schools shall be provided by the New Jersey School Boards Association, in consultation with recognized experts in school bullying from a cross section of academia, child advocacy organizations, nonprofit organizations, professional associations, and government agencies.


Adopted: August 24, 2011
The membership of a Board of Education member shall terminate immediately upon:

1. The cessation of the member’s bona fide residency in the school district the member represents; or

2. The member’s election or appointment to the office of mayor or member of the governing body of Clifton; or

3. The member’s disqualification from voting pursuant to N.J.S.A. 19:4-1; or

4. The member’s conviction for having falsely affirmed or declared that he/she is qualified to vote;

5. The removal of the member by the Commissioner of Education; or

6. Recall of a Board member pursuant to N.J.S.A. 19:27A-1 et seq.

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

1. The member’s removal was proposed at the immediately previous Board meeting; and

2. Notice of the proposed removal was given to the affected member at least seventy-two hours in advance of the meeting at which the vote will be taken.

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

Adopted: July 6, 2005
Board Member Authority

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

Release of Information

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

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

Public Expressions

Board members are entitled to express themselves publicly on any matter, including issues involving the Board and the school district. Individual Board members cannot, however, express the position of the Board except as expressly authorized, in accordance with Board Policy No. 9120. A Board member shall not represent his/her personal opinion as the position of the Board and shall include in all formal expressions in which his/her Board affiliation is likely to be recognized, such as letters to government officials or newspapers, speeches to organizations, and the like, a statement that the opinions expressed do not necessarily represent those of the Board.

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

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


Adopted: October 27, 2010
No member of the Board of Education shall receive compensation for his/her services as a Board member.

The Board of Education will reimburse Board members for travel and related expenses provided the expenses are related to and within the scope of the Board member’s current responsibilities and for travel that promotes the delivery of instruction or furthers the efficient operation of the school district. All eligible travel and related expenses to be reimbursed by the Board shall be educationally necessary and fiscally prudent.

Any travel and related expenses to be reimbursed to a Board member by the Board shall receive prior approval by a majority of the full voting membership of the Board and shall be in compliance with N.J.S.A. 18A:12-24 and N.J.S.A. 18A:12-24.1. Any regular district business travel event, including but not limited to staff training and seminars, conventions and conferences, regular Board business and advances/retreats, with an expense less than $500, does not require prior Board approval.

Pursuant to N.J.A.C. 6A:23B-1.2(c)3., all travel and related expense reimbursements shall be in compliance with New Jersey travel reimbursement guidelines as established by the Department of Treasury in NJOMB circular letter 06-02 and NJOMB circular A-87, including any amendments or revisions thereto. The travel and related expense restrictions and requirements set forth in these NJOMB circulars for applicable expenses incurred by Board members to be reimbursed shall apply and include, but not be limited to: types of travel; travel advances; methods of transportation; routing of travel; mileage allowance; meal allowance; overnight travel; and submission of supporting documentation including receipts, checks, and vouchers. The mileage allowance shall be in accordance with collective bargaining agreements, any individual contracts, or as approved by the Board, as appropriate.

A Board member that receives travel and related expense reimbursement in accordance with provisions of this policy shall, within sixty (60) calendar days after incurring such expenses, submit a brief report to the Board of Education regarding, at a minimum, the primary purpose of the travel and a summary of the goals and key issues that were addressed through the travel and related expense. This report may not be required if this information was submitted to receive initial Board approval.
Board Member Compensation and Expenses

Travel and related expenses will only be reimbursed to a Board member in accordance with the provisions of this Bylaw and N.J.A.C. 6A:23B-1.1 et seq. Detailed documentation supporting all reimbursed travel and related expenses, including the travel approval requests approved by the Board, travel documentation reports, and receipts shall be maintained in the Business Office.

Travel caused by or subject to contractual provisions, other statutory requirements or federal regulatory requirements and travel not in compliance with N.J.A.C. 6A:23B-1.1 et seq., but deemed by the Board of Education to be necessary or unavoidable, shall be excluded from the requirements of this policy and N.J.A.C. 6A:23B-1.1 et seq. The reason(s) for such exception shall be clearly set forth in detailed documentation and approved by Board resolution.

The Board shall establish in its annual school budget a maximum expenditure amount that may be allotted for such travel and expense reimbursement. A Board that violates its established maximum travel expenditures or that otherwise is not in compliance with the travel limitations of N.J.A.C. 6A:23B-1.1 et seq., may be subject to sanctions by the Commissioner of Education as authorized pursuant to N.J.S.A. 18A:4-23 and N.J.S.A. 18A:4-34, including reduction of State aid in the amount equal to any excess expenditure.

N.J.S.A. 18A:12-4
N.J.A.C. 6A:23B-1.1 et seq.
New Jersey Department of Treasury Office of Management and Budget Circular Letter 06-02 and Circular A-87

Adopted: January 12, 2006
0148  BOARD MEMBER INDEMNIFICATION

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

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


Adopted: July 6, 2005
The Clifton Board of Education shall organize annually at a regular
meeting held on any day of the first or second week following the
annual school election.

If the organization meeting cannot take place on the date(s) above by
reason of lack of quorum or for any other reason, said meeting shall be
held within three days thereafter.

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

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

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

Adopted: December 12, 2018
0152 BOARD OFFICERS

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

Any member may place a member’s name in nomination; a second is not required. Election for each office will be conducted by roll call vote when the nominations for that office are closed. The candidate receiving the votes of a majority of the full Board will be elected to office. In the event no candidate receives a majority of the votes cast, nominations will be re-opened.

Officers shall serve for one year and until their respective successors are elected and qualified.

An officer who refuses to perform a duty imposed upon him/her by law may be removed by a majority vote of the full Board.

The Board shall fill a vacancy in either office within thirty days of the occurrence of the vacancy.

N.J.A.C. 6:56-1.1

Adopted: July 6, 2005
0153  ANNUAL APPOINTMENTS

The Board of Education may annually appoint the following positions:

1. A Board Secretary,

2. A Treasurer of School Moneys,

3. A public school accountant,

4. A medical inspector,
   N.J.S.A. 18A:40-1;

6. A member to serve as delegate to the New Jersey School Boards Association,

8. An assistant Board Secretary,

9. A member to serve as delegate to the Passaic County School Boards Association and the New Jersey School Boards Association Urban Boards Committee;

10. A board attorney;

11. A special education attorney; and

12. An insurance Broker(s)/agent(s)

Adopted: September 12, 2012
At the organizational meeting the Board of Education shall:

1. Designate one or more depositories for school funds, N.J.S.A. 18A:17-34;


4. Designate a second newspaper for the publication of Board meetings, N.J.S.A. 10:4-8;

5. Designate the day, place, and time for regular meetings of the Board;

6. Approve the curriculum for all grades; and

7. Readopt existing bylaws and policies for the Board’s operation and the operation of the school system.

Adopted: July 6, 2005
The Board of Education authorizes the creation of committees of Board members charged to conduct studies, make recommendations to the Board, and act in an advisory capacity. Committees are not authorized to take action on behalf of the Board.

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

Committees shall consist of no more than four Board members, one of whom shall be the President, Vice President or designee, who shall serve as ex officio member on all Board committees. The Board President shall appoint a rotational committee member, who shall serve as the fourth committee member in the President’s absence. The President may appoint one or more interested Board members to serve as a rotational committee member.

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

A chairperson shall be appointed by the President.

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

Committee meetings shall not be open to the public, except that a majority of the committee or the chairperson may open the meeting to the public or invite persons whose knowledge or expertise may be useful to the committee, with the involvement and facilitation of the Superintendent.

Adopted: May 2, 2018
Committee of the Whole

The Board of Education will operate as a Committee of the Whole, performing its functions as the policy making body of the school district. The Committee of the Whole shall be made up of the entire Board; the President of the Board will be chairman. Committee of the Whole meetings shall be public, and may be held at least one week before a regular Board Meeting, school schedule permitting.

It shall be the duty of the Committee of the Whole to consider all matters pertaining to the school system including those provided by statute. The Committee of the Whole shall review the agenda prepared and presented by the Superintendent of Schools and shall meet and determine the items to be placed on the agenda for the regular board meeting. Any Chairman or Board member who wishes to have a specific resolution placed on the agenda shall present same at a Committee of the Whole meeting. The Board may take action at Committee of the Whole meetings.

The agenda and any other material that is needed by Board members for the meeting shall be delivered to all Board members at least 48 hours prior to the Committee of the Whole meeting. Notice of the Committee of the Whole meeting shall be delivered to all Board members at least five days prior to the meeting.

Order of Business

The recommended order of business may be as follows, but can be altered at the pleasure of the Board:

- Recognition and Awards
- Communications and Announcements
- First Reading of Policies
- Public Recognition for agenda items only
- Presentations of Reports
- Committee Reports
- Board Member Issues
- Superintendent/Business Administrator Issues
- Discussion of Agenda Items
  - Minutes
  - Education/Administration
  - Personnel
  - Finance/Facilities
- Public Recognition for general matters pertinent to the district.
- Emergent Items
- Executive Session
- Return from Executive Session
- Adjournment

Adopted: January 19, 2011
CALL, ADJOURNMENT AND CANCELLATION

The Board of Education shall meet in public session at least once every calendar month.

All meetings shall be called to commence not later than 8:00 p.m. of the day designated.

A meeting not regularly scheduled may be called by the Board Secretary at the request of the President or upon the presentation to the Board Secretary of a petition requesting a meeting and signed by a majority of the full Board.

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

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

N.J.A.C. 6A:32-3.1

Adopted: July 6, 2005
The taxpayers of Clifton support the Clifton Public Schools with their tax dollars. Effective community relations help ensure and enhance the possibilities for excellence in the educational system of the district, through the intelligent and informed support of the people of the community.

A. Regular Board of Education meetings are the primary means for the Board and administration to keep the community informed about the Clifton Public Schools.

1. Notice of Meetings - Announcement of meetings of the Clifton Board of Education shall be sent to:

   a. Herald News, Record, Clifton Journal and any other newspaper having an equivalent significant circulation in the City of Clifton;

   b. The local TV cable channel;

   c. School parent groups;

   d. The city clerk's office for posting and/or filing;

   e. The Clifton Public Library (Main Branch and Allwood Branch); and

   f. District website.

2. Official notice of meetings of the Clifton Board of Education shall be published as a legal notice, in accordance with the requirements of the Open Public Meetings Act, in the Herald News and the Record.

   a. Official notice of meetings of the Clifton Board of Education shall be posted in the Clifton Board of Education Administration Building on the second floor bulletin board.

B. Members of the community will be provided an opportunity to comment regarding the Clifton Public Schools at the regular public meetings of the Board of Education.

C. A joint Board/City Council Committee shall meet periodically throughout the year.
D. The Clifton Board of Education is open to and invites all individuals and groups to seek information and offer suggestions to the Board and administration.

E. Input of the community shall be solicited by the Board through ad hoc advisory committees as appropriate to help plan for the future needs of the district and to address other issues.

F. The Clifton Board of Education through and with administration shall establish cooperative relationships between the district and appropriate commercial enterprises to support activities which enhance the curriculum of the district and the educational opportunities of the participating pupils, including but not limited to:

1. Cooperative education programs, to provide pupils with supervised on-the-job experiences;

2. Career internship programs;

3. Funding grants, sponsored by industry, which support school programs and co-curricular activities;

4. Staff participation in corporate training programs which enhance professional development;

5. Acceptance of equipment and materials donated to the district which meets the needs of the district; and

6. Use of school facilities by local corporate organizations.

Responsibility

1. It shall be the responsibility of the Superintendent of Schools, the Superintendent's designee, and the Board itself to carry out this policy.

2. The Board Secretary shall prepare and distribute notices of Board of Education meetings consistent with New Jersey statutes and code.

The meetings of the Clifton Board of Education shall be held in the Board meeting room at the administration building (745 Clifton Avenue), unless another location is designated in advance by the Board of Education.
Regular Board meetings and the starting time shall be adopted by the Board of Education at the annual reorganization meeting. No meeting shall run past midnight without the approval of a two-thirds majority of the full Board.

The time, place and date for all regularly scheduled meetings shall be printed in two newspapers within seven days after the annual organization meeting and shall be posted throughout the year on a bulletin board in the public area of the administration building. The yearly meeting notice shall be sent to the Record, the Herald News, the Clifton Journal, City Hall, and cable television.

The Board reserves the right to alter meeting dates, meeting places, or meeting times. If any alteration or addition to the published schedule occurs, adequate notice shall be provided to the public. "Adequate Notice" means written advance notice of at least forty-eight hours, giving the time, date, location, and, to the extent known, the agenda, including notice as to whether formal action may or may not be taken. Such notice shall be:

1. Prominently posted in the administration building;
2. Mailed, telephoned, teacopied, or hand delivered to at least one newspaper circulating in Clifton; and
3. Filed with the municipal clerk of the City of Clifton. Further, the Board Secretary/Business Administrator shall take all such additional steps as he/she feels appropriate to publicizing such meeting.

In an emergency, the President of the Clifton Board of Education may call a meeting of the Board even if adequate notice has not been given to the public. In such a situation, the minutes will reflect:

1. The nature of the emergency and the harm to the public interest likely to result in the event of delay;
2. The fact that the meeting will be limited to consideration of and action on said emergency matters;
3. A statement that the need for a meeting could not reasonably have been foreseen; and
4. The time, manner, and place in which notice of the meeting was provided.
In an emergency situation, it will be the responsibility of the Superintendent to telephone all area newspapers to inform them of the meeting and to take all other steps as he/she shall deem practicable to inform the public concerning the meeting.

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

Adopted: July 6, 2005
A quorum shall consist of five Board members, and no business shall be conducted in the absence of a quorum, except when the Doctrine of Necessity is invoked.

In the event a quorum is not present at the hour of convening, the meeting may be recessed to a time not later than 9:00 p.m. of the same day. If a quorum is not then present, the members present may adjourn the meeting to a later date within seven days.

The Board of Education recognizes that there may be matters that come before the Board or acts required of Board members in their official capacity where the Board member may have a conflict of interest or the act would be in violation of N.J.S.A. 18A:12-24. In these matters, the Board member(s) will remove himself/herself from any discussions, meetings (informal or formal), committee meetings, and/or a vote regarding the matter. The Board will consider this matter without the Board member(s) who has the conflict.

In the event a matter comes before the Board or an act is required of a Board member in his/her official capacity that is a conflict or would be in violation of N.J.S.A. 18A:12-24, the Board would still be required to have a quorum to consider the matter. However, the New Jersey Department of Education and the School Ethics Commission has envisioned this prohibition could create a situation in which so many Board members have a conflict that the Board would be unable to take action on a matter. Therefore, when more than a quorum of the Board members must abstain from voting on a matter, the Board will invoke the Doctrine of Necessity consistent with the New Jersey Department of Education and School Ethics Commission guidelines as follows:

A. Board Member(s) in Conflict - Less Than a Majority of The Board

1. In the event a Board member(s) has a conflict of interest where the Board member will act in his/her official capacity, the Board member must remove himself/herself from any discussions, meetings (informal or formal), committee meetings, and/or a vote regarding the matter.
2. In the event a Board member is unsure whether he/she or any other Board member has a conflict of interest or whether the matter, if acted upon by a Board member(s) is in violation of N.J.S.A. 18A:12-24 - Prohibited Acts, the School Board Attorney will make a determination.

3. The School Board Attorney will provide the Board of Education an opinion on whether the matter is a conflict of interest or act prohibited by N.J.S.A. 18A:12-24 - Prohibited Acts.

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

B. A Majority of Board Members in Conflict

1. In the event:
   a. A Board member(s) believes he/she has a conflict of interest where he/she will act in his/her official capacity; or
   b. If the School Board Attorney renders an opinion that the a Board member(s) has a conflict of interest where the Board member will act in his/her official capacity; and
   c. The number of Board members that have a conflict would make it so the Board would be unable to take action on the matter, then the Board may invoke the “Rule [or Doctrine] of Necessity.” (Citing U.S. v. Will, 449 U.S. 200 (1980)).

C. Rule [Or Doctrine] Of Necessity

1. The Doctrine of Necessity may be invoked when more than a quorum of the Board must abstain from voting on a matter.

2. There are three prerequisites necessary for a Board to invoke the Doctrine of Necessity:
   a. The Board must be unable to act without the members in conflict taking part;
   b. There must be a pressing need for action, i.e. the matter cannot be laid aside until another date; and
c. There can be no alternative forum that can grant the same relief. (Allen v. Toms River Regional Board of Education, 233 N.J. Super, 642, 651 (Law Division 1989).

3. When the School Board Attorney advises the Board the Doctrine of Necessity must be invoked in order to obtain a quorum on a vote, the Board must announce that it is invoking the Doctrine.
   
a. The announcement must include the reason the Board must invoke the Doctrine of Necessity including stating the nature of each Board members conflict.
   
b. The announcement will be in writing and should be recorded in the minutes of the meeting by the Board Secretary at the point when the vote takes place.
   
c. It is enough for the Board to announce it is invoking the Doctrine and a Board Resolution is not required.

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

5. The Board members who have a conflict in the matter are prohibited from:
   
a. Participating in any discussions on the matter prior to the announcement and public meeting; and
   
b. From entering an executive session in order to discuss the merits of the matter or contract; and
   
c. From offering their opinions on the matter at any time prior to the announcement and public meeting.

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

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

8. Board members in conflict may explain their reasons for not voting just before the vote.

New Jersey School Ethics Commission Advisory Opinion A10-93(b) and A07-94

Adopted: July 6, 2005
Parliamentary Authority

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

Presiding Officer

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

Announcement of Adequate Notice

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

Agenda

The Superintendent and School Business Administrator/Board Secretary shall prepare an agenda of items of business to come before the Board at each meeting. The agenda shall be delivered to each Board member no later than 48 hours before the meeting and shall include such reports and supplementary materials as are appropriate and available at which action or discussion on the proposed resolution may be needed.

Any substantive resolution presented fewer than 48 hours prior to the meeting of the Board shall require a two-thirds majority vote of the Board members present at a meeting, if there is an objection to consideration of the measure, to bring the matter before the Board.

This policy applies to resolutions put forth under New Business, or any other segment of the meeting, by Administration or by Board Members.
The recommended order of business may be as follows, but can be altered at the pleasure of the Board:

- Pledge of Allegiance and Moment of Silence
- Attendance Roll Call of Board Members
- Reading of the Open Public Meetings Statement
- Recognition and Award Presentations
- Adoption of Minutes
- Communications Received by the Board of Education
- Presentations of Reports from Administration, Advisory Committees, and Special Committees
- Board Committee Reports
- Public Recognition regarding agenda items only
- Unfinished Business
- Resolutions for Consideration as recommended by the Superintendent of Schools

A. Education/Administration
   EA Meeting date-01 – Resolution . . .
   EA Meeting date-02 – Resolution . . .
   EA Meeting date-03 – Resolution . . .

B. Personnel (All)
   P Meeting date-01 – Resolution . . .
   P Meeting date-02 – Resolution . . .
   P Meeting date-03 – Resolution . . .

C. Finance/Facilities
   F Meeting date-01 – Resolution . . .
   F Meeting date-02 – Resolution . . .
   F Meeting date-03 – Resolution . . .

Public Recognition for all general matters pertinent to the district (see Board Bylaw 0167)

Board Member Comments

New Business

Executive Session

Other Board Business

Motion and Second to Adjourn

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

Adopted: January 19, 2011
ALL BOARD OF EDUCATION ACTIONS REQUIRING A VOTE MAY BE CONDUCTED BY
voice, show of hands, or roll call provided that the vote of each member
is recorded in the minutes of the meeting. Proxy voting shall not be
permitted.

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

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

1. The affirmative votes of three-quarters of the members present
are required for the conduct of a Board meeting when adequate
notice has not been provided in accordance with law, N.J.S.A.
10:4-9;

2. A two-thirds vote of the full membership of the Board is
required for:

   a. Bids that have been advertised pursuant to N.J.S.A.
      18A:18A-4 on two occasions and;

      (1) No bids have been received on both occasions in
          response to the advertisement; or

      (2) The Board of Education has rejected such bids on two
          occasions because it has determined that they are not
          reasonable about price, on the basis of cost
          estimates prepared for or by the Board of Education
          prior to the advertising therefore, or have not been
          independently arrived at in open competition; or

      (3) On one occasion no bids were received pursuant to
          #(1) and on one occasion all bids were rejected
          pursuant to #(2), in whatever sequence; any such
          contract may then be negotiated.

   b. Purchase of goods also available under state contract when
      the Board has received at least three quotations and the
      lowest responsible quotation is at least ten percent less
      than the price under the state contract for the identical
c. Determine that it is necessary, in a Type II school district having a Board of School Estimate, to sell bonds to raise money for any capital project, N.J.S.A. 18A:22-27; and

d. Sell bonds of a Type II district without further advertisement at private sale if no legally acceptable bid is received for the bonds pursuant to N.J.S.A. 18A:24-45.

e. A Motion to Reconsider a question decided by the Board, providing said motion is moved by a Board member who voted on the prevailing side and is made during the same session or at the next regular meeting succeeding the one at which the original action was taken.

3. A majority vote of the full membership of the Board is required for:


b. Adoption or alteration of a course of study, N.J.S.A. 18A:33-1;


e. Appointment, transfer, removal and/or renewal of teaching/certificated and/or non-certificated staff members, N.J.S.A. 18A:25-1, 27-1;

f. Fix and determine, in a Type II district having no Board of School Estimate, the amount of money to be raised for budgets and capital construction, N.J.S.A. 18A:22-32, 22-39;

g. Approval of employee salary deductions for hospital and insurance plans and government bonds, N.J.S.A. 18A:16-8;

h. Authorization, in Type II school districts, of school bonds, N.J.S.A. 18A:24-10;
i. Decision to establish with other school districts a county audiovisual educational aid center, N.J.S.A. 18A:51-1;


k. Disposition or exchange of lands owned by the Board, N.J.S.A. 18A:20-5, 20-8;

l. Purchase of bonds or other obligations as investments, N.J.S.A. 18A:20-37;

m. Removal of the President or Vice President of the Board, N.J.S.A. 18A:15-2;

n. Restoration or removal following suspension of an Assistant Superintendent, Principal, or teacher, N.J.S.A. 18A:25-6;


q. Direct the Secretary of the Board to deduct salaries of employees to participate in any plan for the purchase of bonds of the United States government, N.J.S.A. 18A:16-8;

4. A roll call vote of the Board is required for the following actions with the necessary vote as indicated:

<table>
<thead>
<tr>
<th>Issue</th>
<th>Required Vote</th>
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<tbody>
<tr>
<td>a. Salary deductions for government bonds</td>
<td>Majority of full Board</td>
</tr>
<tr>
<td>b. Appointment of a secretary of Board of Education; terms; compensation; vacancy</td>
<td>Majority of full Board</td>
</tr>
<tr>
<td>c. Assistant and acting secretaries; appointment, powers and duties</td>
<td>Majority of full Board</td>
</tr>
<tr>
<td>d. Appointment of Superintendents; terms; apportionment of expense</td>
<td>Majority of full Board</td>
</tr>
</tbody>
</table>
e. Appointment and removal of Assistant Superintendents  

f. Appointment of Administrative Principals  

g. Appointment of shared Superintendent, School Business Administrator; terms  

h. Appointment; salary; removal of Business Managers  

**Issue**  |  **Required Vote**
---|---
i. Unit control organizational structure; Executive Superintendent  

j. Disposition of property  

k. Exchange of lands  

l. Type II districts with Board of School Estimate; determination; certification and raising of appropriations; notice of appeal  

m. Type II districts with Boards of School Estimate; estimate by Board of Education; certification of estimate  
n. Determination of Board of School
amounts by Board of Estimate
School Estimate majority of

o. Type II districts Majority of
without Board of full Board
School Estimate;
determination and
certification of
appropriation N.J.S.A.
18A:22-32

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<th>Required Vote</th>
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<tr>
<td>p. Type II districts</td>
<td>Majority of</td>
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<td>without Board of</td>
<td>full Board</td>
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<td>School Estimate;</td>
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<td>submission of capital</td>
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<td>projects N.J.S.A.</td>
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<td>18A:22-39</td>
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<td>q. School bonds, when</td>
<td>Majority of</td>
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<td>deemed to be authorized Type II.</td>
<td>full Board</td>
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<td>N.J.S.A 18A:24-10</td>
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<td>r. Private sale if no</td>
<td>Two thirds of</td>
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<td>bids at public sale</td>
<td>full membership</td>
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<td>N.J.S.A. 18A:24-45</td>
<td>of Board</td>
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<td>s. Transfer of teaching</td>
<td>Majority of</td>
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<td>staff member N.J.S.A.</td>
<td>full Board</td>
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<td>18A:25-1</td>
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<td>t. Suspension of</td>
<td>Majority of</td>
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<td>Assistant</td>
<td>membership</td>
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<td>Superintendents,</td>
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<td>Principals and</td>
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<td>teaching staff members</td>
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<td>u. Appointment of</td>
<td>Majority of</td>
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<td>teaching staff members; vote required</td>
<td>full Board</td>
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<td>v. Board of Education,</td>
<td>Majority of</td>
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<td>procedure for certain personnel actions;</td>
<td>full Board</td>
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<td>recommendation of</td>
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<td>Chief School</td>
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<td>Administrator</td>
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<td>w. Renewal of personnel</td>
<td>Majority of</td>
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<td>Issue</td>
<td>Required Vote</td>
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<td>x. Withholding increments; causes notice of appeals</td>
<td>Majority of full Board</td>
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<tr>
<td>y. District to furnish suitable facilities; adoption of courses of study</td>
<td>Majority of full Board</td>
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<td>z. Textbooks; selection; furnished free with supplies; appropriations</td>
<td>Majority of full Board</td>
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<tr>
<td>aa. Single county educational audiovisual aids center in county</td>
<td>Majority of full membership</td>
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N.J.S.A. 10:4-14

Adopted: February 11, 2009
The Board of Education may meet in an executive session only to discuss and act on issues exempted by law from the requirement that all Board meetings be public and only after the adoption at a public meeting of a resolution stating the general nature of the subject or subjects to be discussed and, as precisely as possible, the time when and circumstances under which the discussion conducted in executive session can be disclosed to the public.

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

1. Any matter that has been rendered confidential by express provision of federal or state law or rule of court;

2. Any matter in which the release of information would impair a right to receive funds from the Government of the United States;

3. Any material the disclosure of which constitutes an unwarranted invasion of a pupil’s privacy, including but not limited to records, data, reports, or recommendations relative to the pupil’s personal and family circumstances, treatment, progress or condition, unless the adult pupil or the pupil’s parent(s) or legal guardian(s) requests in writing that the same be disclosed publicly;

4. Any Collective Bargaining Agreement, or the terms and conditions that are proposed for inclusion in any Collective Bargaining Agreement, including the negotiation of the agreement with school district employees or representatives of employees;

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

6. Any tactics and techniques utilized in protecting the safety and property of the public when their disclosure could impair such protection and any investigations of violations or possible violations of the law;
7. Any pending or anticipated litigation or contract negotiation other than as stated in #4 in which the Board is or may become a party and any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his/her ethical duties as a lawyer;

8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the Board, unless the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting, except that, regardless of the employee’s request, the consideration and actions of the Board as to any tenure charge shall be conducted in private session;

9. Any deliberations occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of the responding party’s certification as a result of an act or omission for which the responding party bears responsibility.

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

Adopted: July 6, 2005
0166.1  PERMISSION TO ENTER INTO EXECUTIVE SESSION

The Clifton Board of Education shall exercise its executive power in part by accessing and approving to enter into executive session, by doing so we "The Board" shall observe and enforce the New Jersey’s Open Public Meetings Act, known as “The Sunshine Law”, rules of the State Board of Education, and policies of this Board.

The Board Attorney in public session shall hereby provide The Clifton Board of Education and The Public with a request to enter into executive session by providing a brief synopsis which will include:

(1) Personnel Matter
(2) Contractual Matter
(3) Specific Individual Topic Matter
(4) Source of Funding Matter

Adopted:  January 14, 2015
Public Participation in Board Meetings

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

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

Public participation shall be permitted only as indicated on the order of business in Board Bylaw 0160 and Bylaw No. 0164.

Anyone wishing to address the Board at a public meeting may do so upon request during the “Public Recognition” periods referenced in Board Bylaw 0160 and Bylaw 0164. Individuals shall limit their remarks to three minutes regarding agenda items and five minutes for Public Recognition regarding general matters pertinent to the district. These periods may be extended for good cause at the discretion of the Board President.

All persons receiving permission to address the Board shall confine their remarks to those matters that properly relate to Board of Education business or which come under the jurisdiction or the authority of the Board. In any event that a speaker before the Board becomes abusive or disrespectful or otherwise resorts to statements which may be considered discourteous or libelous, the presiding officer may in the exercise of his/her judgment summarily terminate the time allotted to the speaker.

Public participation shall be governed by the following rules:

1. A participant must be recognized by the presiding officer and must preface comments by an announcement of his/her name, municipality of residence, and group affiliation, if applicable;

2. Each statement made by a participant shall be limited to 3 minutes on agenda items only and 5 minutes on the open public recognition portion. The Board of Education members will be limited to 8 minutes for Board Members Comments.

3. All statements, questions, or inquiries shall be directed to the presiding officer; and any questions or inquiries directed by a participant to another Board member shall be redirected to the presiding officer who shall determine if such statement, question, or inquiry shall be addressed by the presiding officer on behalf of the Board or by the individual Board member;
4. The presiding officer may:

   a. Interrupt, warn, and/or terminate a participant’s statement, question, or inquiry when it is too lengthy;

   b. Interrupt and/or warn a participant when the statement, question, or inquiry is abusive, obscene, or may be defamatory;

   c. Request any person to leave the meeting when that person does not observe reasonable decorum;

   d. Request the assistance of law enforcement officers in the removal of a disorderly person when that person prevents or disrupts a meeting with an act that obstructs or interferes with a meeting;

   e. Call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting; and

   f. Waive these rules when necessary for the protection of privacy or to maintain an orderly operation of the Board Meeting.

The portion of the meeting during which the participation of the public is invited may be limited to sixty minutes and will be concluded by 11:00 p.m. The Board of Education may waive this by a two-thirds majority vote of the Board members present at a meeting.

N.J.S.A. 2C:33-8
N.J.S.A. 10:4-12

Adopted: November 16, 2016
The Board of Education directs the creation and maintenance of an official record of the formal proceedings of the Board and will permit the unofficial recording of Board meetings in accordance with this Bylaw.

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

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

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

A. Minutes shall be compiled of all meetings of the Clifton Board of Education, including all Regular and Special Meetings of the Board and Executive Sessions thereof, and all Board committee meetings.

1. The minutes of Board or of Board committee meetings shall be presented to the Board or the Board committee, respectively, for review prior to the next meeting of the Board.

2. All attachments shall be considered part of the official record.
   a. The time of commencement and adjournment of the meeting;
   b. The date of the meeting;
   c. The location of the meeting;
   d. For Regular and Special Meetings of the roll call of the Board and a list of all other persons present in an official capacity and the time of arrival or departure if not present for the entire meeting;
e. For Board committee meetings, including Executive Sessions, a listing of all persons present at the meeting and their time of arrival or departure if not present for the entire meeting;
f. For Regular and Special Meetings of the Board and Committee of the Whole Meetings, a statement of the manner in which the meeting was publicized in compliance with the Open Public Meetings Law;
g. The resolutions and other matters considered at the meeting;
h. Any remarks specifically requested by any Board Member to be included; and
i. Such other information as is required by law.

3. Minutes of Regular and Special Board Meetings and Executive Sessions shall be formally adopted by vote of the Board. The Board reserves the right to correct the minutes if necessary.

4. All Board meeting minutes shall be preserved forever.

5. The minutes of the Board meetings shall be available to any member of the public according to the policy on public records.

B. All Regular Meetings and Special Meetings of the Board of Education shall be tape-recorded.

1. The Board Secretary/Business Administrator shall use the recordings to aid in the preparation of the official minutes.

The recordings of each meeting will be retained at least forty-five days or until either summary or verbatim transcripts have been approved as minutes, whichever is longer, after which time they may be erased only if permission is granted by the New Jersey Department of State, Division of Archives and Record Management. All such recordings will be erased or destroyed in compliance with laws and rules for the destruction of public records.

The recording may not be able to be destroyed if a subject matter, vote, or Board action on the recording is the subject of litigation. The district will notify the New Jersey Division of Archives and Records Management when requesting permission that a recording be destroyed if the recording includes subject matter in litigation, or the district will not request permission to destroy such recording if the subject matter is in litigation.
2. At the sole discretion of the Board, regular and special public meetings may be streamed live and/or rebroadcast on the local public access channel for the benefit of the public. To the extent that meetings are rebroadcast, said public board meetings shall be aired in their entirety, unless a majority of the Board in its sole discretion approves a resolution mandating that a portion of the meeting not be rebroadcast.

Recording by the Public

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

The Board will permit the use of audio or video recording devices by members of the public to record public meetings. Prior notice to audio or video record a public meeting is not required provided the person operates the recording device while sitting in the area designated by the Board for public seating. The recording of a meeting from this area shall not obstruct or distract any member of the public from observing and listening to the proceedings of the meeting. If the recording is obstructing the view or is distracting to members of the public, the presiding officer or designee will require the person recording the meeting to relocate to another area of the meeting room.

In the event a member of the public wants or needs to audio or video record a public meeting from an area other than the area designated for public seating, the person shall provide notice of such request to the Board Secretary in advance of the meeting. The Board Secretary or designee shall review the recording guidelines outlined in this Bylaw with the person requesting to record the meeting.

Any member of the public wanting to use a recording device from an area other than the area designated for public seating must be located and operated from inconspicuous locations in the meeting room as determined by the presiding officer or designee of the meeting. Prior to the meeting, the presiding officer or designee will determine the location of each recording device so the video recording device can video record the meeting with an unobstructed view and each audio recording device can record a meeting so the speakers and meeting proceedings can be properly recorded. The location of any recording device operated from an area other than the area designated for public seating will be in an area of the meeting room that is not distracting or obstructive to Board members, members of the public, or the orderly operation of the meeting. Any recording device used outside the area designated for public seating shall be located within a similar distance from the
Board as the public seating area. The presiding officer or designee shall determine when the number of recording devices used outside the area designated for public seating interferes with the conduct of a Board meeting and may order that an interfering recording device be removed or relocated.

Additional lighting shall not be used unless approved by the presiding officer or designee prior to the meeting. All recording devices and related equipment must be battery operated or operational without the use of district electricity, as the district will not permit such equipment to be connected to the school district’s electrical service.

The presiding officer or designee shall determine if a recording device interferes with the conduct of a Board meeting and may order that an interfering device be relocated.

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

Adopted: July 13, 2016
CLIFTON BOARD OF EDUCATION

0169  BOARD MEMBER USE OF ELECTRONIC MAIL/INTERNET

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

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

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

1. Written letters, e-mails, and supporting documents regarding school district matters written by Board members to other Board members or written by Board members to school staff, unless the subject matter is specifically exempt under the Open Public Records Law, are governmental records and are subject to public access. Based on the potential for improper/inappropriate disclosure and/or breach of confidentiality that may compromise the Board or Board member, these communications should not involve confidential matters, especially any matter the Board may discuss in executive/private session outside the presence of the public pursuant to the Open Public Meetings Act.

2. Written letters, internet (chat) discussions, e-mails, and supporting documents regarding the school district’s public business written by Board members to other Board members shall not replace deliberations that would prevent the public from witnessing in full detail all phases of the Board’s deliberations, policy formulation, and decision-making process in accordance with the intent of the Open Public Meetings Act.
3. Internet (chat) discussions between Board members regarding the school district’s public business shall not include multiple Board members with the potential that a quorum of the Board may be involved, or become involved, in such discussion.

In the event a Board member(s) fails to comply with the guidance of this Policy, the matter shall be referred to the Board President, who will meet and/or discuss the matter and this Policy with the Board member(s). The Board President may request the Board Attorney participate in this meeting and/or discussion. If the Board President is involved in a breach of this policy then the Board Vice President shall preside over any meeting or discussion of this matter.

N.J.S.A. 10:6-4 et seq.
N.J.S.A. 47:1A-1 et seq.

Adopted: July 6, 2005
The Clifton 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 email, internet web forums and internet chat rooms. They should understand at all times that these communications represent permanent school district records that can be subject to public disclosure. Electronic messaging communication shall conform to the same standards of judgment, propriety and ethics as other forms of board-related communication (committee meetings, telephone calls, etc.). Board members shall adhere to the following guidelines when communicating electronically:

A. Board members shall not use email or any other electronic messaging service as a substitute for deliberations at board meetings. The Open Public Meetings Act defines a “meeting” as any gathering attended by, or open to, all of the members of a public body, held with the intent to discuss or act as a unit upon the specific public business of that body;

B. Board members shall be aware that email and email attachments received or prepared for use in board business are likely to be regarded as public records that may be inspected by any person upon request, unless otherwise made confidential by law;

C. Board members shall avoid reference to confidential information about employees, students or others in email communications because of the risk of improper disclosure;

D. Board members shall adhere to the district “acceptable use” policy in all email communications and shall refrain from sending inappropriate, profane, harassing or abusive emails. (See file code 6142.10 Technology);
E. Board members shall not reveal their passwords to others in the network or to anyone outside of it, except to the system administrator. If any board member has reason to believe a password has been lost or stolen, or that email is being accessed by someone without authorization, he/she shall notify the superintendent immediately.

Paperless Board Meetings

The Clifton Board of Education believes that using a digital platform instead of the distribution of paper for the delivery of board materials such as meeting agendas, videos, policies and other board-related information will benefit the district. Conducting paperless board meetings:

A. Reduces the use of paper;
B. Is sustainable and environmentally responsible;
C. Enables the district to distribute information quickly and efficiently with greater transparency;
D. And saves district resources by reducing staff time in the preparation, assembly and distribution of packets and by saving money on paper.

The Board authorizes the use of a paperless board meeting digital platform. This shall not restrict the board from distributing paper materials when necessary. In compliance with the Open Public Records Act, board members and community members may request and the board secretary or his or her designee shall provide within a reasonable time frame paper copies of board materials. The duplication and distribution of public documents shall be according to board policy 3570 District Records and Reports.

Electronic “Surveying” Communications

The Board of Education believes that “paperless board meetings” are a type of electronic communication among its members and the administration that is an efficient and convenient way to exchange information, but must not be misused to deliberate issues that are appropriately discussed only in a public meeting. Therefore, board members and administrators shall exercise caution when communicating between and among themselves via electronic messaging services including but not limited to surveying, email, internet web forums and internet chat rooms.
The surveying features of paperless board meetings shall be used consistent with the New Jersey Open Public Meetings Act by restricting its use in the following ways:

A. The board shall maintain and provide access to all electronic communications pursuant to the New Jersey Open Public Records Act;

B. Surveying is a type of electronic messaging communication, and shall conform to the same standards of judgment, propriety and ethics as other forms of board-related communications (committee meetings, telephone calls, etc.);

C. Board members shall not use surveys, email or any other electronic messaging service as a substitute for deliberations at board meetings. The Open Public Meetings Act defines a “meeting” as any gathering, whether corporeal or by means of communication equipment, attended by or open to all of the members of a public body, held with the intent to discuss or act as a unit upon the specific public business of that body;

D. Surveying will not be used for topics referring to confidential information about employees, students or others in email communications because of the risk or improper disclosure; and

E. The district will avoid the appearance of conducting board discussion or actions, in which opinions are exchanged among a quorum of board members through repeated survey questions and answers, outside an open public meeting.

The board shall annually review its electronic communication policy and practices with the board attorney.

Adopted: February 13, 2019
DUTIES OF PRESIDENT AND VICE PRESIDENT

The President of the Board of Education shall:

1. Preside at all meetings of the Board;
2. Require the Board Secretary to call special meetings of the Board, N.J.A.C. 6A:32-3.1;
5. Subscribe bonds, notes, contracts, and other legal instruments for which the signature of the President is required, N.J.S.A. 18A:24-32;
7. Appoint all committees of the Board and serve as committee member ex officio in accordance with Board Bylaw No. 0155.
8. Appoint a Board member to serve as a rotational committee member.

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

Adopted: October 1, 2014
DUTIES OF TREASURER OF SCHOOL MONIES

The Treasurer of School Monies shall:

1. Receive and hold in trust all school monies, except monies from athletic events and pupil organization activities, and deposit them in the bank or banks designated by the Board, N.J.S.A. 18A:17-34;

2. Pay out school monies only on warrants made payable to the person entitled to receive payment and specifying the object for which it is issued and signed by the President, Secretary and Treasurer, N.J.S.A. 18A:19-1;

3. Receive school employee payrolls and a warrant for the full amount of each payroll certified by the President and Secretary, deposit the warrants in a separate payroll account, and issue individual checks drawn on such account to each employee, N.J.S.A. 18A:19-9, 19-10;

4. Give public notice when funds are on hand for payment of interest bearing warrants issued for which no funds were available, N.J.S.A. 18A:19-12;

5. Keep a record of monies received and paid out in books provided for that purpose and in accordance with a bookkeeping system prescribed by the State Board, N.J.S.A. 18A:17-35;


7. Render a monthly report to the Board giving a detailed account of all receipts, the amounts of all warrants issued, the accounts from which they were drawn and the balance in each account, N.J.S.A. 18A:17-36;

8. Render an annual report showing the amounts received and disbursed by him/her during the school year and file a copy with the County Superintendent, N.J.S.A. 18A:17-36; and
9. Receive the proceeds of any bond sale and disburse them only to pay the expenses of issuing and selling the bonds, the purpose for which the bonds were issued, and the temporary investment of the funds, N.J.S.A. 18A:24-47.

Adopted: July 6, 2005
The Board will engage only a licensed public school accountant to conduct the annual audit in accordance with N.J.S.A. 18A:23-1 et seq. The accountant must have an external peer/quality report performed in accordance with N.J.A.C. 6a:23a-16.2(i)1, unless the accountant or firm can show good cause about why there was a delay completing such report within the required timelines established by Government Auditing Standards issued by the Comptroller General of the United States. The Board will require the submission of the most recent external peer/quality report for review and evaluation prior to the appointment of the licensed public school accountant. The Board will acknowledge the receipt, review, and evaluation of the external peer/quality report in the public session and Board minutes in which the accountant or firm to perform the audit is engaged.

The Board will require the submission of an updated external peer/quality report of the accountant within thirty days after the issuance date of the external peer/quality report if the report is issued prior to the date of the audit opinion for the most recent fiscal year.

In accordance with NJOMB Circular Letter 98-07, the public school accountant will provide a copy of the most recent external peer/quality report to the Department of Education, within thirty days after the initial engagement by the Board and within thirty days after the issuance of a subsequent peer/quality report.

The Board shall engage a public school accountant during the audit engagement period for non-auditing, management, or other consulting services only if such services comply with the independent standards as established in Government Auditing Standards (Yellow Book) by the Comptroller General of the United States.

The Board may be prohibited for good cause by the Commissioner of Education from engaging a particular licensed public school accountant, or may be directed by the Commissioner on a process to be used in the appointment of a licensed public school accountant pursuant to N.J.A.C. 6A:23A-16.2(i)4.
The public school accountant will complete the annual audit as required by the Department of Education and N.J.S.A. 18A:23-2. Each annual audit shall include an audit of the books, accounts and moneys, and verification of all cash and bank balances of the Board and of any officer or employee and of moneys derived from athletic events or other activities of any organization of pupils conducted under the auspices of the Board, from the date of the last annual audit to the date of the current audit. The audit will also include a determination of the extent to which the district used contracts entered into by the State Division of Purchase and Property pursuant to P.L. 1969 c. 104 (C. 52:25-16.1 et seq.) in the purchase of materials, supplies or equipment for the district. The report of each audit will be completed in accordance with the time requirements of N.J.S.A. 18A:23-1 and will be filed by the public school accountant in accordance with N.J.S.A. 18A:23-2.3.

Within thirty days following receipt of the report the Board, at a regularly scheduled public meeting, will cause the recommendations of the accountant to be read and discussed and the discussion will be duly noted in the Board meeting minutes in accordance with N.J.S.A. 18A:23-5. The Board Secretary will prepare or have prepared a summary of the annual audit for this board meeting in accordance with N.J.S.A. 18A:23-4.

N.J.A.C. 6A:23A-16.2

Adopted: October 27, 2010
DUTIES OF BOARD ATTORNEY

Upon the request of the Board, the Board Attorneys shall:

1. Advise the Board about the proper legal and contractual procedures in which the Board must take action or make a decision;

2. Be accessible for consultation with the Superintendent or Superintendent’s designee concerning legal matters;

3. Attend executive sessions of the Board when requested to do so by the Superintendent or Superintendent’s designee;

4. Act as counsel for the Board in prosecuting or defending any action or suit to which the Board is party and is not represented by the insurance company;

5. Perform such other special legal services as the Board may prescribe from time to time; and

6. Keep the Board informed on all legislation affecting the school system and call to the attention of the Board proposed new legislation that may affect the district.


Adopted: July 6, 2005
In accordance with N.J.A.C. 6A:23A-5.2, the Board of Education adopts this policy and its strategies to ensure the use of legal services by employees and the Board of Education members and the tracking of the use of legal services.

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

The Business Administrator shall be responsible to review all legal bills and confer with designated contact persons in reviewing such legal bills.

In accordance with the provisions of N.J.A.C. 6A:23A-5.2(a)2, the Board designates the administrative staff member to review all legal bills and designates contact persons to ensure the prudent use of legal services.

School districts with legal costs that exceed one hundred thirty percent of the Statewide average per pupil amount should establish the procedures outlined in 1., 2., 3., and 4. below and, if not established, provide evidence such procedures would not result in a reduction of costs.

The Board of Education authorizes the establishment of the following procedures to guide such solicitation of legal advice:

1. The designated contact person(s) shall ensure that contracted legal counsel is not contacted unnecessarily for management decisions or readily available information contained in district materials such as Board policies, administrative regulations, or guidance available through professional source materials.

2. All requests for legal advice shall be made to the designated contact person(s) in writing and shall be maintained on file in the district offices. The designated contact person shall determine whether the request warrants legal advice is necessary.

3. The designated contact person(s) shall maintain a log of all legal counsel contact including the name of the legal counsel contacted, date of the contact, issue discussed, and length of contact.
4. All written requests for legal advice and logs of legal counsel contacts shall be forwarded to the Business Administrator/Board Secretary, who shall be responsible to compare all legal bills to the contact logs and to investigate and resolve any variances.

Any professional services contract(s) for legal services shall prohibit advance payments. Services to be provided shall be described in detail in the contract and invoices for payment shall itemize the services provided for the billing period. Payments to legal counsel(s) shall be for services actually provided.

School districts and vocational school districts 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 administrators and/or any individual Board members or pursuing any claim or cause of action for which the damages to be awarded would benefit an individual rather than the school district as a whole.

The Board of Education will annually establish prior to budget preparation, a maximum dollar limit for each type of professional service, including legal services. In the event it becomes necessary to exceed the established maximum dollar limit for the professional service, the Superintendent of Schools shall recommend to the Board of Education an increase in the maximum dollar amount. Any increase in the maximum dollar amount shall require formal Board action.

Contracts for legal services will be issued by the Board in a deliberative and efficient manner such as through a request for proposals based on cost and other specified factors or another comparable process that ensures the district receives the highest quality services at a fair and competitive price or through a shared service arrangement. 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.

N.J.A.C. 6A:23A-5.2
FORM REQUEST FOR LEGAL ADVICE

This will confirm that_____________________________ requests legal advice of
Board Counsel regarding________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
REQUEST APPROVED __________________________
LEGAL ADVICE FORM

Regarding Legal Services Re:

Topic:____________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________

(a) Attorney contacted:_____________________________________________________

(b) Date of Initial Contact:__________________________________________________

(c) Contact Completed:______________________________________________________ (Date or Time)________

OR

Contact is necessarily ongoing over a period of time

Approved: April 15, 2010
From time to time the Board of Education may engage the services of one or more independent contractors to advise and assist the Board in analyzing school district operations and preparing Board reports.

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

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

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

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

Adopted: July 6, 2005
The Board recognizes a Board member and/or a member of his/her immediate family may be a member of, or salary is determined by, a labor bargaining unit, professional association and/or union that has an affiliation with a bargaining unit, professional organization and/or union within the school district. The Board member does not automatically violate N.J.S.A. 18A:24 by voting to approve and/or ratify this contract solely on the basis of his/her status or that of an immediate family member with respect to membership or representation by a different local affiliate of the same statewide association with whom the agreement is made provided the Board member’s involvement with such local affiliate has not or appears to have not compromised the member’s objectivity or independence of judgment.

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

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

In the event the Doctrine of Necessity must be invoked it will be in accordance with the procedure as outlined in Policy 0163.

In addition, the School Ethics Commission Decision A16-00 states a Board member may not participate in any aspect of negotiations and/or vote to approve/ratify a tentative memorandum of agreement/contract ratification if the Board member has a “relative” who is a member of the bargaining unit, professional association and/or union within the school district. Under this circumstance, the Board member may only vote in the event the school board attorney advises the Board the Doctrine of Necessity must be invoked in accordance with Policy No. 0163.
New Jersey School Ethics Commission Advisory Opinion
   A02-00 and A16-00
Commissioner of Education Decision - In the Matter of
   Bruce White, Ewing Township Board of Education,
   Mercer County - June 1, 2000
New Jersey State Board of Education Decision - In the
   Matter of Frank Pannucci, Board of Education of Brick
   Township, Ocean County - March 3, 2000

Adopted: July 6, 2005
In accordance with N.J.A.C. 6A:23A-5.2, the Board of Education adopts this policy and its strategies to minimize the cost of professional services.

The Board of Education will establish annually prior to budget preparation a maximum dollar limit for each type of professional service. In the event it becomes necessary to exceed the established maximum dollar limit for the professional services, the Superintendent of Schools shall recommend to the Board of Education an increase in the maximum dollar amount. Any increase in the maximum dollar amount shall require formal Board action.

Contracts for professional services will be issued by the Board in a deliberative and efficient manner that ensures the district receives the highest quality services at a fair and competitive price or through a shared service arrangement. This may include, but is not limited to, issuance of such contracts through a Request for Proposal (RFP) based on cost and other specified factors or other comparable processes. Contracts for professional 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.

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

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

Adopted: April 15, 2010