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Definitions

The following terms used in these bylaws and policies 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 Vineland.

“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 “NJSLA” 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-4 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 student. Where parents are separated or divorced, “parent” means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student 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 students, 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 a teaching staff member.

“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” 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 and policies:

1. Wherever possible, language shall be given its clear and ordinary interpretation;

2. Language shall be construed to have a meaning that complies with law;

3. In the event bylaws and policies conflict with one another, the later adopted bylaw or policy shall take precedence over the earlier, and the more specific bylaw or policy 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 or policy will become effective on the date it is adopted and a revised bylaw or policy will become effective on the date it is revised.

Citations

Bylaws and policies may contain citations to the following codifications of State and Federal laws and regulations:


3. New Jersey Statutes
   - N.J.S.A. 2C Code of Criminal Justice
   - N.J.S.A. 9 Children-Juvenile and Domestic Relations
   - N.J.S.A. 10 Civil Rights
   - N.J.S.A. 11 Civil Service
   - N.J.S.A. 17 Corporations and Institutions for Finance and Insurance
   - N.J.S.A. 18A Education
   - N.J.S.A. 19 Elections
   - N.J.S.A. 24 Food and Drug
   - N.J.S.A. 26 Health and Vital Statistics
   - N.J.S.A. 27 Highways
   - N.J.S.A. 30 Institutions and Agencies
   - N.J.S.A. 34 Labor and Worker's Compensation
   - N.J.S.A. 36 Legal Holidays
   - N.J.S.A. 39 Motor Vehicles and Traffic Regulation
   - N.J.S.A. 41 Oaths and Affidavits
   - 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.

Enactment

The official record of the adoption, amendment, or repeal of the bylaws and policies 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 policy manual shall be maintained by the Assistant Superintendent for Administration and shall be the manual to which all others may be compared for accuracy.

Adopted: 13 November 2013
Revised: 07 June 2017
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 Vineland.

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

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Effectuation

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   N.J.S.A. 27 Highways
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N.J.A.C. 1 Administrative Law
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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 for Administration and shall be the manual to which all others may be compared for accuracy.

Adopted: 13 Nov. 2013
Revised: 07 June 2017
0110 IDENTIFICATION

Name

The official name of the Board of Education shall be “The Board of Education of Vineland in the County of Cumberland.”

Purpose

The Board of Education exists for the purpose of providing a thorough and efficient system of free public education in grades Pre-Kindergarten through twelve in the Vineland School District.

Composition

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

Classification

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

Address

The address of the Board of Education shall be:

61 W Landis Avenue
Vineland, New Jersey 08360


Adopted: 09 June 2010
Authority

The 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 of, 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: 09 June 2010
BYLAWS

0131 BYLAWS AND POLICIES

The 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, amendment, or repeal has been proposed and approved at a previous meeting of the Board.

The Board may at its organization meeting and by a majority vote of those present and voting readopt existing bylaws and policies without prior notice.

The Board may, under emergency circumstances, suspend the operation of a bylaw or policy and adopt, amend, or repeal a bylaw or policy without prior notice. The emergency adoption, amendment, or repeal of a bylaw or policy shall terminate at the next meeting of the Board or at such earlier date as may be specified by the Board unless further acted upon by the Board.

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 Superintendent. 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 Superintendent. The manual retained by the Superintendent 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, at the discretion of the President and as appropriate to the subject, to the Superintendent, the Policy and Personnel 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: 09 June 2010
The Board of Education shall exercise its executive power in part by the appointment of a Superintendent as Chief School Administrator, who shall enforce the statutes of the State of New Jersey, rules of the State Board of Education, and policies of this Board.

The Superintendent shall prepare regulations for the administration of the school district that are not inconsistent 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 of this district and the pupils in the schools of this district when issued and shall be provided to the Board for the information of Board members except where Board approval is required by law.

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

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

The School Business Administrator/Board Secretary shall have a seat on the Board and shall have the right to speak on all fiscal matters at meetings of the Board, but shall have no vote.


Adopted: 09 June 2010
0134 BOARD SELF EVALUATION

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

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

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


Adopted: 09 June 2010
0141 BOARD MEMBER NUMBER AND TERM

The 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: 09 June 2010
Bylaw #0142  BOARD MEMBER QUALIFICATIONS, PROHIBITED
ACTS AND CODE OF ETHICS

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

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

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

A Board member may not be convicted of a felony.

A Board member must be able to read and write.

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

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

He/she has not been disqualified due to the conviction of a crime or offense listed in N.J.S.A. 18A:12-1. In order to fulfill this requirement:

1. Each member of the board of education, within 30 days of the election or appointment to the board, shall undergo a criminal history background check investigation for the purpose of ensuring that the member is not disqualified for membership due to a conviction of a crime or offense pursuant to the statute listed above; and

2. The board shall reimburse the member for the cost of the criminal history record check, including all costs for administering and processing the check.

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

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

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

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

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

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

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

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

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

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

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

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

Each Board member shall annually, in accordance with N.J.S.A. 18A:12-25 and 18A:12-26, file a disclosure statement regarding potential conflicts of interest.
Ineligibility for District Employment
A Board member cannot be appointed to a paid office or position required to be filled by the Board, except where law permits or requires that the office or position be filled by a Board member, and is ineligible for appointment to a paid office or position in the district for at least six months after the member's retirement, resignation, or removal from Board membership.

Code of Ethics
In accordance with N.J.S.A 18A:12-24.1 every Board member will abide by the following Code of Ethics. The Board member will:
1. Uphold and enforce all laws, rules and regulations of the State Board of Education and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.

2. Make decisions in terms of the educational welfare of children and seek to develop and maintain 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, insure they are well run.

5. Recognize that authority rests with the Board of Education and make no personal promises nor take any private action that may compromise the Board.

6. Refuse to surrender his/her independent judgment to special interest or partisan political groups or to use the 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 Board Secretary will provide each Board member with a copy of the Code of Ethics and the required acknowledgement on an annual basis and will maintain the original signed acknowledgment(s) in the Board office.

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

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.

18A:12-2.1; 18A:12-21 through 18A:12-34
N.J.S.A. 41:1-3
School Ethics Commission Policy Guideline 1.

Adopted: 09 June 2010
REvised: 14 Sept. 2011
0142.1 NEPOTISM

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

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, brother, sister, 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.

For purposes of this policy "close personal relationships" include, but are not limited to, cohabitation, engagement, and dating. Close personal relationships do not include purely social friendships.

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 the Policy or the date a relative becomes a Board member or Superintendent shall not be prohibited from continuing to be employed 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.

In accordance with N.J.A.C. 6A:23A-6.2(a)(b), per diem substitutes and student 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.

In cases where an existing employee who is a member of the immediate family or an individual having a close personal relationship, as defined herein, of the Assistant Superintendents or the Personnel Director, then in such cases the President of the Vineland Board of Education shall appoint an advisory committee consisting of five administrators excluding the involved administrator. This committee shall review applications and interview applicants for the position based upon the job description and employment qualifications established for the position and shall submit their comments and recommendations to the Superintendent. The Superintendent shall submit his or her recommendation with reasons for the recommendation and shall provide the comments and recommendations of the designated committee. In the event that the applicant is someone within a family relationship or close personal relationship with the Superintendent, then the Assistant Superintendent for Administration shall act in place of the Superintendent for purposes of this paragraph.
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: 09 June 2010
0143  BOARD MEMBER ELECTION AND APPOINTMENT

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

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

1. The County Superintendent, if a vacancy is caused by;
   a. The absence of candidates for election to the school Board, or
   b. The removal of a member because of lack of qualifications, or
   c. The failure of the Board to appoint a person to a vacancy within sixty-five days following its occurrence, or
   d. 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 County Superintendent, to a number sufficient to make up a quorum of the Board if, by reason of vacancies, a quorum is lacking;

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

5. A majority vote of the remaining members of the Board of Education after the vacancy occurs in all other cases.

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

In considering candidates who have expressed an interest in a vacancy, the Board of Education may interview interested candidates in public or executive session. The Board will vote to appoint a candidate to a vacancy in public session. In the event interviews are conducted in executive session, Board members, in the public session nomination and voting process, shall express their opinion in support of their vote for a candidate.
A roll call vote will be conducted on candidates in the order the candidates were nominated with a second. If there are two or more vacancies, each vacancy will be filled by a separate election process. The first candidate who receives the votes of a majority of the remaining Board members will be elected to the vacancy. In the event no candidate receives a majority vote of the remaining Board members, a second election shall be conducted between the two candidates receiving the highest number of votes.


Adopted: 09 June 2010
The preparation of each member for the performance of Board of Education duties is essential to the proper functioning of the Board. The Board encourages each new Board member in the acquisition of information about school district governance, the separate functions of the Board and the Superintendent, the operations of the district, and Board procedures.

The Board directs that each new member receive access to and/or a copy of the Board of Education Bylaw and Policy Manual, the manual of administrative regulations, and such other materials as deemed appropriate by the Superintendent.

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

N.J.S.A. A. 18A:12-

33 Adopted: 09 June

2010
Bylaw

Vineland Board of Education

[See POLICY ALERT Nos. 94, 113, and 222]

0145 BOARD MEMBER RESIGNATION AND REMOVAL

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

1. The cessation of the member's bona fide residency in the school district the member represents (N.J.S.A. 18A:12-2.2); or

2. The member's election or appointment to the office of mayor or member of the governing body of Vineland, New Jersey (municipality(ies) within district) (N.J.S.A. 18A:12-2.2); or

3. The member's disqualification from voting pursuant to N.J.S.A. 19:4-1 (N.J.S.A. 18A:12-2.2); or

4. The member falsely affirms or declares that he/she is not disqualified as a voter pursuant to N.J.S.A. 19:4-1 or that he/she is not disqualified from membership on the Board due to conviction of a crime or offense listed in N.J.S.A. 18A:12-1; or

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

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

A member who fails to attend three consecutive meetings of the Board without good cause may be removed from office on the affirmative votes by majority of the remaining Board members, provided that:
1. The member's removal was proposed at the immediately previous Board meeting; and

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

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

Adopted: 09 June 2010
Revised: 07 June 2017
Revised: 14 April 2021
0146 BOARD MEMBER AUTHORITY

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

Release of Information

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

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

Public Expressions

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

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

Adopted: 09 June 2010
0148 BOARD MEMBER INDEMNIFICATION

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

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


Adopted: 09 June 2010
0151 ORGANIZATION MEETING

The Board of Education shall organize annually at a regular meeting held for that purpose on any day of the first week in January at which time new members shall take office.

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

The first order of business shall be the administration of the Oath of Office to new Board members by the solicitor.

Following the swearing in of new Board members, the Superintendent shall, as presiding officer pro tempore, conduct the election of the President and Vice-President pursuant to Bylaw 0152.

Following the election, the President shall assume the chair and the following order of business shall be conducted:

1. Readopt existing bylaws and polices for the Board’s operation and the operation of the school system; and

2. Reaffirm the New Jersey School Boards Association Code of Ethics.

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

Adopted: 09 June 2010
Revised: 12 April 2017
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 Board members will be elected to office. 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.

Voting shall take place by verbal roll call.

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

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


Adopted: 09 June 2010
0153 ANNUAL APPOINTMENTS

The Board of Education may appoint at the organizational meeting, but shall appoint before July 1 of the year in which the Board organizes:

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;

5. A psychological examiner,

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

7. An attendance officer,

8. A member to serve as delegate to the Cumberland County School Boards Association;

9. An attorney; and

10. An insurance broker.

Adopted: 09 June 2010
0154 ANNUAL MOTIONS AND DESIGNATIONS

The Board of Education shall at the organizational meeting:

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


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: 09 June 2010
Bylaw 0155  BOARD COMMITTEES

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

The President shall appoint Board members to serve a one-year term on the following Board standing committees:

- Policy/Personnel
- Finance/Budget
- Curriculum, Instruction and Technology
- Facilities
- Transportation

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 task has been completed.

Committees may consist of four Board members, one of whom shall be the President or his designee, who shall serve as ex officio member on all Board committees. A member may request or refuse appointment to a committee; a member's refusal to serve on any one committee shall not prejudice his/her appointment to another committee.

Under the Code of Ethics all school boards commit to the principle that they are not to administer the operation of schools but are to see to it that they are well run. For purposes of this bylaw the terms "monitors" and "oversees" are defined as the exercise of the Board's function to see to it that schools are well run. The terms are not intended to authorize administration of the schools and the district nor to interfere with the day-to-day administration by central office.

I. The standing committees are charged with the following duties and responsibilities:

A. Policy and Personnel Committee
   1. Ensures that job descriptions are prepared for all jobs within the District and that they are reviewed and updated as necessary; makes recommendations to the entire Board concerning the adoption of job descriptions for newly created positions,
the adoption of appropriate revisions to existing job
descriptions and the deletion of job descriptions for jobs which
no longer exist;

2. Monitors the District employee evaluation program to ensure that
appropriate evaluations are performed on all employees in
accordance with law, regulations and/or employment contracts;

3. Monitors reports on professional staff members which ensure
their certification in their area of assignment;

4. Monitors professional development programs of staff to ensure
timely board action on salary guide adjustments, based on
attainment of requisite additional education;

5. Monitors staff-wide and individual improvement plans;

6. Monitors compliance with affirmative action and non-
discrimination policies as prescribed by federal or state law
and regulations as well as District plans and programs in those
areas;

7. Monitors and keeps the Board informed concerning all litigation
arising out of the applicability and enforcement of any labor
relations contract;

8. Develops and updates the Board policy/governance manual and
makes recommendations to the Board for the adoption of new or
revised bylaws, policies and Board regulations;

9. Monitors compliance with Board policies and regulations, to
include monitoring administrative regulations and directives to
ensure they are in compliance with existing policies and
regulations and makes recommendations to the Board for action
concerning areas of activity within the District where the
adoption or revision of a bylaw, policy or regulation would be
appropriate in order to further the intentions of the Board.

B. Finance Committee

1. Oversees all District financial affairs;

2. Reviews and comments to the Superintendent and Board
   Secretary/Business Administrator, on the annual school budget
   for presentation to the entire Board for action;

3. Oversees on an on-going basis, the administration of the budget
to ensure that expenditures are in accordance with the adopted
   budget, both as to purpose and amount;

4. Oversees all school insurance policies;

5. Reviews annual audit; recommendations to the Board for adoption
   of procedures to implement corrections recommended by the audit;
oversight to ensure compliance with implementation of corrections recommended by the audit;
6. Reviews all financial reports prepared by the District, both for internal and external purposes.

C. Curriculum and Technology Committee
1. Oversees the curriculum, instructional procedures and program of studies, including the selection and utilization of educational materials and any revision, change or alteration of the foregoing;
2. Reviews and recommends to the Board concerning the course of studies and the actual courses to be conducted for the following school year;
3. Monitors student performance on statewide and nationwide tests;
4. Reviews and updates, with the Superintendent all District long-range educational plans;
5. Reviews all external monitoring reports addressing educational matters;
6. Monitors all student clubs, organizations, athletic teams, and co-curricular activities and events, makes recommendations to the Board concerning the establishment or elimination of student clubs, organizations, athletic teams and co-curricular activities and events;
7. Monitors student conduct, discipline and adherence to school authority, as well as student achievements and problems.

D. Facilities Committee
1. Monitors school maintenance, repair and general housekeeping;
2. Reviews proposals for major expenditures on equipment of new equipment or the construction/development of new facilities and makes appropriate recommendations to the Board concerning same;
3. Monitors District inventory programs to ensure accountability (to include spot-checks to ascertain the actual whereabouts of selected items) of all items of nonexpendable equipment and property owned by the District, with special emphasis on items with a high risk of pilferage or unauthorized use, such as television and video equipment; computers and their related peripherals and programs; library books; audio/visual equipment, (such as tape recorders, overhead projectors, slide projectors, video tapes and films) and makes recommendations to the Board for the adoption/implementation of inventory control procedures;
4. Makes recommendations to the Board concerning the conduct of external inventories of assets;
5. Reviews all requests for use of school facilities by outside organizations and individuals to ensure compliance with Board policies and regulations concerning their use, such as insurance requirements and compatibility of the proposed use with any District functions or uses for such facilities; makes recommendation to the Board for use of such facilities by those outside organizations, together with recommendations for the waiver of any fees, as appropriate;
6. Oversees business and personnel issues related to the operation of the kitchens and cafeterias;
7. Monitors the use of school facilities by outside organizations and individuals.

E. Transportation Committee
1. Oversees the District’s transportation program, procedures, equipment and safety;
2. Reviews contracts relative to transportation of students with the District and makes appropriate recommendations to the Board;
3. Ensures compliance with State law and regulations concerning the transportation of students;
4. Oversees the District’s programs concerning transportation of resident students not attending Vineland Public Schools;
5. Oversees the route selection and scheduling to ensure that it reflects the most effective and efficient routes for transportation of students, given existing District demographics and finances.

II. Committee Procedures
A. Board members are appointed annually to the standing committees of the Board by the Board president, at or shortly after the Board Reorganization meeting. The Board president shall consult with the individual Board members prior to their appointment to committees to learn the Board members’ areas of strength and requests for assignment. The Board president shall appoint the chairpersons of the standing committees;
B. A Board member specifically designated as a committee alternate by the Board president shall be counted as a full voting member of the
C. committee when a regularly assigned member of the committee is absent;
D. The Board president serves as ex officio member of all committees and may vote to break a tie in committee;
E. It is the function of standing committees of the Board to review administrative proposals within their area of oversight prior to formal action of the Board;
F. Recommendations or motions for Board action can only be contained in a committee report providing a majority of said committee approves the moving of the item. A committee member may offer a minority report following the committee’s proposed action item by identifying him or herself as a member of the committee which is making the motion, and speaking against the motion or by offering an amendment to the motion or by offering a substitute motion;
G. Recommendations or motions for Board action can only be contained within a committee report provided a quorum of said committee was present when the item was formulated or approved by the committee. A quorum of a committee is a simple majority of that committee;
H. The decision of a Board committee not to report out and/or move a specific course of action at a Board meeting does not in any way preclude the Superintendent or any other Board member from addressing the issue, and the Board acting upon the issue;
I. Board committees meet at the discretion of the individual committee chairpersons, with the consent of the committee members. Board committees may establish regular monthly meeting dates at their own discretion;
J. Minutes of all committee meetings and committee hearings shall be furnished to all Board members by the committee chair or his designee within 15 days of the meeting;
K. At the request of each committee chair, the Superintendent shall designate appropriate administrative personnel to act as resource persons for these committees. The resource persons shall attend all meetings of the respective committees.

Adopted: 09 June 2010
Revised: 13 May 2015
Revised: 09 Dec 2015
REVISED: 12 April 2017
Bylaw 0156
Interview Committee

The Vineland Board of Education acknowledges that by law the Superintendent is empowered to recommend candidates for employment by the Board. The Board has no legal authority to identify candidates for employment or to place names on a meeting agenda for employment.

The Vineland Board of Education further acknowledges its duty under N.J.S.A. 12A:24.1(h) (Code of Ethics) to approve "the best qualified personnel available" after consideration of the recommendation of the Superintendent. In order to properly discharge its duty, the Vineland Board of Education has set forth in this Bylaw the establishment of an Interview Committee applicable to the Superintendent's recommendations of senior administrative positions of Assistant Superintendent, Business Administrator and Executive Director of Personnel.

The Interview Committee shall consist of the Superintendent, such other senior level administrators appointed by the Superintendent and two members of the Board’s Policy and Personnel Committee appointed by the Board President. In the event that one or more members of the Policy and Personnel Committee declines to serve or cannot serve for any reason, then the Board President may appoint any other member of the Board to the Interview Committee. The Interview Committee shall be chaired by the Superintendent or his/her designee. The Committee members as well as any member of the Board shall be entitled to access to the resumes of all candidates for the position under consideration.

The two Board members so appointed may participate only as observers of the second interviews of the final candidates. The Board member representatives may not conduct or participate in the interviews but may offer observations and assessments to the Committee at the completion of each interview.

Once the Superintendent has determined his/her candidate for recommendation, the Superintendent shall present the name and resume to the Policy and Personnel Committee for discussion. If requested by the Committee Chair, the Superintendent shall also arrange for the recommended candidate to appear before the Committee not for an interview but for purposes of giving his/her qualifications and other information in support of the candidate's interest in the position. Only after the Superintendent has presented the name and resume of his/her candidate being recommended or has presented the individual before the Policy and Personnel Committee shall the Superintendent then submit that candidate for approval to the Board of Education at a public meeting.

Adopted: 03 April 2019
The Board of Education shall meet in public session at least once every two months during the period in which the schools are in session.

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: 09 June 2010
0162 NOTICE OF BOARD MEETINGS

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

Public Notice
The Board Secretary shall notify, in writing and no later than forty-eight hours in advance of the meeting, each Board member and each person who has duly requested such notification of the time, date, location, and, to the extent it is known, the agenda of any regular, special, or rescheduled meeting. Forty-eight hour notice shall also be posted in the Board office, delivered to two newspapers designated by the Board, and filed with the clerk of the City of Vineland, except that forty-eight hour notice is not required where the time, date, and location of the meeting has been published in the annual list of meetings approved by the Board in accordance with law.

Upon the affirmative vote of three-quarters of the members present, the Board may meet in the absence of adequate notice, provided that discussion and action is limited to specific and unforeseen or unforeseeable matters of such urgency and importance that delay for the provision of notice would be likely to result in substantial harm to the public interest and that notice is given as soon as possible after the call of the meeting in accordance with the provisions of law and this bylaw.

Personal Notice of Meeting
The Board shall provide personal notice in writing to an adult pupil, the parent(s) or legal guardian(s) of a minor pupil, an employee or officer of this district, or a prospective employee whose privacy may be invaded or whose employment may be affected by the Board's deliberations in private session. Such personal notice will include the date and time of the private meeting, the subject or subjects scheduled for discussion at the private meeting, and the right of the individual given notice to request that the discussions be conducted at a public meeting. Personal notice will be given no less than two days in advance of the private meeting.

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

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

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

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

Adopted: 09 June 2010
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 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 prerequisits 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 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: 09 June 2010
0164 CONDUCT OF BOARD MEETINGS

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

Presiding Officer

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

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

Agenda
The Superintendent and Board President shall prepare the agenda for all work sessions, regular meetings, combined meetings and special meetings of the Board. Members of the Board may request that items be placed on the agenda in accordance with the procedure set forth herein. Furthermore, the Superintendent shall, in consultation with the Board President, determine what items shall be initially listed on the "Consent Agenda" and "Regular Agenda" for each work session or special meeting. Based upon discussions and directions of the Board at the work session, the Superintendent and Board Secretary shall prepare the agenda for each regular meeting and designate items for placement on either the "Consent Agenda" or the "Regular Agenda" for that meeting.

The "Consent Agenda" is intended to streamline the process for approval of items and matters that have been discussed in committee or at a work session or otherwise reviewed by the Board in advance. The "Consent Agenda" is defined as a list or outline of groups of items and matters presented to the Board for its consideration. The "Consent Agenda" shall include the following groups of items or matters:

- Personnel
- Procedures and Operations
- Buildings and Grounds
- Finance
- Miscellaneous
Any item or matter initially placed on the "Consent Agenda" may be removed at the request of any Board member and transferred to the "Regular Agenda". The "Regular Agenda" is defined as a list or outline of items and matters presented to the Board for its review, discussion and approval that was not initially placed on the "Consent Agenda" or was removed from the "Consent Agenda".

The Board shall follow the order of business set by the agenda unless altered by majority vote of the members present. However, public comment under item 9 of the work session agenda and item 12 of the regular meeting agenda or item 13 of the combined meeting agenda shall be permitted by the Board President no later than one and one half hours after the scheduled start of any work session, regular meeting or special meeting. Subject to the terms of this bylaw, at a regularly scheduled meeting advertised in the annual notice, items of business not on the agenda may be discussed and voted on by action of a majority of the Board members present. However, existing Board policies may not be revised or new ones adopted unless the proposals are on the written agenda.

The agenda outline, together with supporting materials, shall be distributed to Board members in sufficient time prior to any meeting to permit careful consideration. The agenda outline shall also be made available to the press, representatives of community and staff groups, and members of the community and others, upon request.

The Superintendent, to the extent available, shall provide copies of pertinent correspondence, reports, and other written materials relating agenda items as attachments to the agenda outline to the Board members in the package distributed on that Friday preceding each work session or regular meeting. If the material relating to any agenda item is amended, altered, or supplemented, between delivery of work session agenda material and the work session, or between the work session and the regular Board meeting, Board members will be notified. (If within twenty-four hours of a meeting, Board members will be called.) The Board has the option to table any said item.

Work Sessions
The order of business of work sessions shall be as follows;

1. Roll call
2. Reading of "Sunshine" Statement
3. Flag Salute
4. Resolution for Executive Session
5. Special Presentation(s)
6. Public Comment by Board Solicitor
7. Committee Reports
8. Items for review by the Board
   a. Proposed by the Superintendent
      1. Consent Agenda
      2. Regular Agenda
   b. Proposed by the Board President or any individual Board member

9. Review of the bills incurred during the past month

10. Opportunity for public to address the Board (limit 5 minutes each person)

11. Old Business

12. New Business

13. Adjournment

Any Board member seeking to propose an item for discussion at a work session shall notify the Board President and Superintendent prior to or at the scheduled work session agenda conference between the Board President and Superintendent. As a result, the item can be included on the written agenda outline prepared by the Superintendent. The Board member seeking to propose the item shall supply pertinent information in the Board member's possession relating to the item to the Superintendent. The Superintendent shall transmit to the Board those materials together with any reasonably pertinent materials in the administration's possession relating to the agenda item, whether or not such materials have been specifically requested by the Board member, in the electronic link distributed to all Board members on the Friday preceding the scheduled work session. In order that pertinent information can be accumulated and distributed by the Superintendent, Board members shall attempt, to the extent known, to propose items for discussion at a work session to the Board President and Superintendent under Section 7b, rather than under old or new business.

Special presentations at work sessions may either be initiated by the Superintendent or by the Board. Special presentations initiated by the Superintendent shall relate to matters being recommended by the Superintendent at the following regular meeting or special commendations, recognitions or awards, or matters being reported to the Board by the Superintendent in accordance with his/her duties, responsibilities and obligations under statute, regulation, or contract. Any Board member requesting a special presentation at a work session shall notify the Board President and Superintendent prior to or at the scheduled work session agenda conference between the Board President and Superintendent. The Board President and Superintendent shall discuss and decide whether adequate time is available for the Superintendent and administration to gather information necessary for the presentation in time for the upcoming agenda meeting. Otherwise, the presentation shall be made at the following month's work session. No special presentation shall be made at a work session unless the proposed presentation has first been discussed at the agenda conference between the Board President and the Superintendent, and notice of the proposed presentation is included in the agenda outline to Board members distributed the day following the agenda conference.
The Board President may impose time limitations from five to 15 minutes on each special presentation and on each discussion item under Sections 9, 10 and 11 above in order to ensure the orderly and timely conduct of business. Any item not previously discussed and approved at the agenda conference for the work session between the Board President and the Superintendent may not be proposed at a work session by the Superintendent under item 9a above unless the Board President and Superintendent have determined that the item in question is of such an emergent and important nature that Board consideration is warranted.

Regular Meetings
The order of business for Regular Meetings shall be as follows:

1. Roll call
2. Reading of "Sunshine" Statement
3. Flag Salute (Led by Pupils - September through June)
4. Resolution for Executive Session
5. Special Presentations
6. Approval of Minutes
7. Public Comment by the Board Solicitor
8. Public Comment on Agenda items (limit 5 minutes each person) or (2 minutes if the meeting is being held virtually)
9. Motions and Resolutions
   a. Recommendations for approval to the Board by the Superintendent
      1. Consent Agenda
      2. Regular Agenda
   b. Proposed for review or discussion or adoption by Board members
10. Approval of bills incurred during the month
11. Emergent item(s) (with prior approval)
12. Opportunity for public to address the Board (limit 5 minutes each person) or (2 minutes if the meeting is being held virtually)
13. Report and remarks by Board President
14. Board member remarks (limit 5 minutes each person)
15. Adjournment

Items not previously discussed at a work session or at a Board Committee meeting, shall not be placed on the regular meeting agenda as a recommendation of the Superintendent under 9a, above or shall not be raised by the Superintendent at the regular meeting as a recommendation under 9a, above or shall not be proposed as a motion or resolution by a Board member under 9b, above unless the Board President and Superintendent have determined that the item in question is of such an emergent and important nature that Board consideration is warranted. It is the expressed intent of the Vineland Board of Education that absent a true emergent situation, that official action by voting shall take place at a regular meeting only after the item has previously been discussed at a work session of the Board.
Special presentations at regular meetings shall be given by the Superintendent or his/her designee on:

1. Matters relating to the recommendations at that meeting; or

2. Special commendations, recognitions or awards; or

3. Matters being reported to the Board by the Superintendent in accordance with his/her duties, responsibilities, and obligations under statute, regulation, or contract.

Combined Meetings

The order of business for combined meetings shall be as follows:

1. Roll Call

2. Reading of "Sunshine" Statement

3. Flag Salute

4. Resolution for Executive Session

5. Special Presentation(s)

6. Approval of Minutes

7. Public Comment by the Board Solicitor

8. Committee Reports

9. Public Comment on Agenda Items (limit 5 minutes each person in person 2 minutes virtual)

10. Motions and Resolutions
   a. Superintendent's recommendations for discussion and approval by the Board
      1. Consent Agenda
      2. Regular Agenda
   b. Proposed for review or discussion or adoption by Board members

11. Approval of Bills

12. Emergent item(s) (with prior approval)
13. Opportunity for public to address the Board (limit 55 minutes each person)

4. Old Business

15. New Business

16. Board member remarks (limit 5 minutes each)

17. Report and remarks by Board President

18. Adjournment

The procedures and protocols set forth in this bylaw relating to work sessions and regular meetings shall apply to combined meetings to the extent feasible and practical in order to effectuate the intent and spirit of these procedures and protocols including collaboration between Administration and the Board and the facilitation of informed decisions by the Board.

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

Adopted: 09 June 2010
Revised: 10 Oct 2012
Revised: 16 Jan 2013
Revised: 18 Nov 2015
Revised: 06 Mar 2019
Revised: 05 June 2019
Revised: 09 Sept. 2020
Revised: 14 April 2021
[See POLICY ALERT No. 222]

0164.6 REMOTE PUBLIC BOARD MEETINGS DURING A DECLARED EMERGENCY

A. Purpose – N.J.A.C. 5:39-1.1

1. The purpose of N.J.A.C. 5:39-1.1 et seq. and Bylaw 0164.6 is to ensure a Board of Education or Board of Trustees of a charter school can conduct official public business in an open and transparent manner whenever a declared emergency requires a local public body to conduct a public meeting without physical attendance by members of the public.

2. Nothing in N.J.A.C. 5:39-1.1 et seq. prevents a local public body from holding a remote public meeting under such other circumstances as may be permitted by the Open Public Meetings Act, N.J.S.A. 10:4-1 et seq.

B. Definitions – N.J.A.C. 5:39-1.2

For the purpose of this Bylaw and in accordance with N.J.A.C. 5:39-1.2, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

"Adequate notice" shall have the same definition as at N.J.S.A. 10:4-8; however, for the purpose of N.J.A.C. 5:39-1.1 et seq., and to the extent not otherwise set forth at N.J.S.A. 10:4-8, the notice transmitted to at least two newspapers for publication may occur through electronic mail or other electronic means that is accepted or requested by the newspaper.

"Annual notice" means a schedule of regular meetings of the public body to be held in the succeeding year noticed pursuant to N.J.S.A. 10:4-8 and 10:4-18. For the purpose of N.J.A.C. 5:39-1.1 et seq., the annual notice may be transmitted through electronic mail to newspapers and persons requesting an annual notice pursuant to N.J.S.A. 10:4-18. If the declared emergency prevents the local public body from mailing an annual notice to individuals requesting notice pursuant to N.J.S.A. 10:4-18, it shall be mailed to individuals for whom the local public body does not have an electronic mail account as soon as practicable.
“Board” or “Board of Education” means a Board of Education or a Board of Trustees of a charter school as defined as a “local public body” or “public body” as per N.J.A.C. 5:39-1.2.

"Declared emergency" means a public health emergency, pursuant to the Emergency Health Powers Act, P.L. 2005, c. 222 (N.J.S.A. 26:13-1 et seq.), or a state of emergency, pursuant to P.L. 1942, c. 251 (N.J.S.A. App.A.9-33 et seq.), or both, or a state of local disaster emergency that has been declared by the Governor and is in effect.

"Electronic notice" means advance notice available to the public via "Electronic notice" means advance notice available to the public via electronic transmission of at least forty eight hours, giving the time, date, and location and, to the extent known, the agenda of any regular, special, or rescheduled meeting, which shall accurately state whether formal action may or may not be taken at such meeting.

"Internet" means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

"Live streaming" means the live audio and video transmission of a remote public meeting over the Internet.

"Local public body" means any "public body," as that term is defined in N.J.S.A. 10:4-8, with territorial jurisdiction equal to or less than a county. This term shall include Boards of Education, counties, municipalities, boards and commissions created by one or more counties or municipalities, and any authorities subject to N.J.S.A. 40A:5A-1 et seq., including fire districts and other special districts, along with joint meetings or regional service agencies as defined in N.J.S.A. 40A:65-3.

"Public business" means and includes all matters which relate in any way, directly or indirectly, to the performance of the public body’s functions or the conduct of its business.

"Public meeting" means and includes any gathering whether corporeal or by means of communication equipment which is attended by, or open to, all of the members of a public body, held with the intent, on the part of the members of the body present, to discuss or act as a unit upon the specific
public business of that body. Meeting does not mean or include any such gathering (1) attended by less than an effective majority of the members of a public body, or (2) attended by or open to all the members of three or more similar public bodies at a convention or similar gathering.

"Remote public meeting" means a public meeting that is conducted by any means of electronic communication equipment permitted pursuant to N.J.A.C. 5:39-1.1 et seq.

C. Circumstances Under Which a Board of Education May Hold a Remote Public Meeting During a Declared Emergency for Conducting Public Business – N.J.A.C. 5:39-1.3

1. In addition to any circumstances under which public meetings held by means of communication equipment may be authorized pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-1 et seq., the Board may hold a remote public meeting to conduct public business during a declared emergency if the emergency reasonably prevents the Board from safely conducting public business at a physical location with members of the public present.

2. If, during a declared emergency, the Board holds a physical meeting in a location where, pursuant to State and/or Federal guidelines meant to mitigate the risk of a contagious infection, the declared emergency necessitates capacity restrictions reducing the number of individuals that can be present in the meeting room to an amount below that reasonably expected for the public meeting by the Board, the Board must either hold the public meeting at another location with adequate capacity for the reasonably expected attendance by the public or hold the public meeting as both an in-person meeting and a remote public meeting.

a. As set forth at N.J.A.C. 5:39-1.4(c), no in-person meeting shall proceed if the room capacity does not permit any member of the public to attend.
3. Nothing in N.J.A.C. 5:39-1.3 shall be interpreted to prevent the Board from broadcasting the audio and/or video of, or taking remote public comment during, a public meeting that the public can physically attend without being subject to public health-related capacity restrictions.

D. Minimum Technological and Procedural Requirements for Remote Public Meetings Necessitated by a Declared Emergency – N.J.A.C. 5:39-1.4

1. If a declared emergency requires the Board to hold a remote public meeting to conduct public business, the Board shall use an electronic communications technology that is routinely used in academic, business, and professional settings, and can be accessed by the public at no cost.

   a. Participant capacity on the selected platform should be consistent with the reasonable expectation of the public body for public meetings of the type being held and shall not be limited to fewer than fifty public participants (beyond those persons required to conduct business at the meeting).

2. Remote public meetings may be held by means including, but not limited to, audio-only teleconferencing, electronic communications platforms with video and audio, and Internet-accessible technology, such as live-streaming.

   a. If an electronic communications platform or Internet-accessible technology is being utilized for a remote public meeting, a telephonic conference line shall also be provided to allow members of the public to dial-in by telephone to listen and provide public comment as otherwise required by law.

   b. The Board [shall X shall not] require members of the public to state, prior to providing public comment, whether they wish to speak and to identify themselves prior to speaking.
3. The Board shall provide the public with similar access to a remote public meeting as members of the Board, staff of the Board, and any individuals seeking one or more approvals from the Board.

   a. If a remote public meeting is held by audio and video, the public shall also have the opportunity to participate in the meeting in both audio and video capacities.

   b. The Board meeting held in-person shall not prohibit members of the public from attending in-person.

4. Any remote public meeting where sworn testimony is being taken shall be broadcast by video, as well as by audio.

   a. All individuals giving sworn testimony at a remote public meeting shall appear by video in addition to audio.

5. Any presentations or documents that would otherwise be viewed or made available to members of the public physically attending the Board meeting shall be made visible on a video broadcast of the remote public meeting or made available on the Internet website or webpage of the entity governed by the Board, or the Internet website or webpage of the entity responsible for appointing the members of the Board.

   a. If a document would be made available to individual members of the public in hard copy while physically attending the meeting, the document shall be made available in advance of the meeting for download through an internet link appearing either on the meeting notice, or near the posting of the meeting notice, both on the website and at the building where the meeting would otherwise be held.

   b. If the Board does not have its own website, such documents shall be available upon request ahead of the meeting and provided through an official social media account if one exists.
6. The Board holding a remote public meeting shall allow members of the public to make public comment by audio, or by audio and video, if the remote public meeting is held over both audio and video, during the meeting.

   a. In advance of the remote public meeting, the Board shall allow public comments to be submitted to the Business Administrator (official responsible for creating the meeting agenda) by electronic mail and in written letter form by a reasonable deadline.

   b. The Board shall [___ accept ___ not accept] text-based public comment received during a remote public meeting held through an electronic communications platform or Internet-accessible technology. Public comments submitted before the remote public meeting through electronic mail or by written letter shall be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and the public.

   c. The Board shall impose a reasonable time limit, where permitted by law, of [21] minutes on individual public comments and the same limits shall be placed on the reading of written comments. Each comment shall be read from the beginning, until the time limit is reached. The Board may pass over duplicate written comments; however, each duplicate comment shall be noted for the record with the content summarized. If the Board elects to summarize duplicative comments, the Board must not summarize certain duplicative comments while reading other duplicative comments individually.

7. The electronic communications technology used for a remote public meeting must have a function that allows the Board to mute the audio of all members of the public, as well as allow members of the public to mute themselves.
a. Any electronic communications platform or Internet-accessible technology used for a remote public meeting shall also allow the Board to regulate participation by individual members of the public.

b. A telephonic audio conference call line must have a queuing or similar function for regulating public comment.

8. Subject to D.5. and D.6. above, the Board shall adopt, by resolution, standard procedures and requirements for public comment made during a remote public meeting, as well as for public comments submitted in writing ahead of the remote public meeting.

a. Such procedures and requirements shall include standards of conduct to be followed by members of the public when making comment.

b. The procedures and requirements for making public comment, along with an explanation of the audio muting function of the electronic communications platform being used, shall be announced at the beginning of the remote public meeting.

c. Regulation of conduct by members of the public on a remote public meeting shall be consistent with law and practices followed if a member of the public disrupts an in-person meeting. The following procedures shall be incorporated:

(1) The Board shall facilitate a dialogue with the commenter to the extent permitted by the electronic communications technology;
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Remote Public Board Meetings
During a Declared Emergency

(2) If a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the member of the Board charged with running the remote public meeting shall mute or continue muting, or direct appropriate staff to mute or continue muting, the disruptive member of the public and warn that continued disruption may result in being prevented from speaking during the remote public meeting or removed from the remote public meeting.

(a) Disruptive conduct includes sustained inappropriate behaviors, such as, but not necessarily limited to, shouting, interruption, and use of profanity.

(3) A member of the public who continues to act in a disruptive manner after receiving an initial warning may be muted while other members of the public are allowed to proceed with their questions or comments.

(a) If time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make their comment. Should the person remain disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting.

9. Electronic communications platforms and Internet-accessible technologies used for remote public meetings shall be hosted on FedRAMP Moderate Impact Level Authorized dedicated servers or in a FedRAMP Moderate Impact Level Authorized Cloud, unless the host of the dedicated servers or cloud provides annual evidence of satisfactory cybersecurity internal controls through a SOC2 audit report.
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Remote Public Board Meetings
During a Declared Emergency

a. When using cloud services, the technology vendor shall check provider credentials and contracts to ensure FedRAMP Moderate Impact compliance unless annual evidence of satisfactory internal controls is provided through a SOC2 audit report.

E. Notice of Remote Public Meetings; Statement in Minutes – N.J.A.C. 5:39-1.5

1. Adequate notice of a remote public meeting must include, in addition to the content required pursuant to N.J.S.A. 10:4-8, clear and concise instructions for accessing the remote public meeting, the means for making public comment, and where relevant documents, if any, will be made available.

2. In addition to adequate notice, the Board shall also provide electronic notice of a remote public meeting, except as may be permitted pursuant to N.J.S.A. 10:4-9.3 and E.3. below.

a. The electronic notice shall contain the content required pursuant to N.J.S.A. 10:4-8 and 10:4-9.1 and E.1. above, and shall be posted on the Internet website or webpage of Board and/or school district, or the entity responsible for appointing the members of the Board.

(1) If the Board does not have a website, electronic notice shall be provided on an official social media platform of the Board; however, electronic notice is not required if the Board does not have an internet presence.

(2) Unless otherwise prohibited by the declared emergency, the content of the electronic notice shall also be posted on the main access door of the building where the public would routinely attend public meetings of the Board in-person. The notice must be viewable from the outside.
3. If during a declared emergency the Board elects to issue electronic notice of a remote public meeting in lieu of, rather than in addition to, adequate public notice, as permitted pursuant to N.J.S.A. 10:4-9.3, the Board shall limit public business discussed or effectuated at the meeting to matters:

a. Necessary for the continuing operation of government and which relate to the emergency declaration connected with the declared emergency; or

b. Requiring decision during the remote public meeting due to imminent time constraints.

4. Nothing in N.J.A.C. 5:39-1.5 prohibits the Board from holding a remote public meeting, notwithstanding the failure to provide adequate notice and electronic notice where permitted pursuant to N.J.S.A. 10:4-9.

5. If the Board expects to conduct remote public meetings for a series of regularly scheduled meetings advertised in its annual notice, the annual notice shall be revised at least seven days prior to the next regularly scheduled meeting, indicating which meeting(s) will be held as a remote public meeting and shall contain clear and concise instructions for accessing those remote public meetings, the means for making public comment, and where relevant documents, if any, will be made available.

a. In addition to the means of notice transmission required pursuant to N.J.S.A. 10:4-18, the revised annual notice shall be posted on the Internet website or webpage of the Board and/or school district, or the entity responsible for appointing the members of the Board.

b. If the Board does not have its own website, the revised notice shall be provided on an official social media platform unless the Board does not have an Internet presence.
c. Unless otherwise prohibited by the declared emergency, the content of the electronic notice shall also be posted on the door of the main public entrance to the building where the public would routinely attend public meetings held by the Board.

   (1) Notice must also be posted on the door for any designated and clearly delineated handicap accessible entrance. These notices must be viewable from the outside.

6. If a previously scheduled Board meeting was to allow public attendance without a public health-related restriction as to capacity, but the Board intends to hold the same meeting as a remote public meeting due to a declared emergency and the change is not reflected in a revised annual notice issued pursuant to E.5. above, the Board shall issue adequate and electronic notice for said meeting pursuant to E.1. and E.2. above as if the meeting were not included in the annual notice.

7. At the commencement of every remote public meeting of the Board, the person presiding shall announce publicly, and shall cause to be entered in the minutes of the meeting, an accurate statement to the effect that:

   a. Both adequate and electronic notice of the meeting has been provided, specifying the time, place, and manner in which such notice was provided;

   b. Only electronic notice of the meeting has been provided, specifying the time, place, and manner in which such notice was provided, and that discussion and effectuation of public business shall be limited to only those matters:

      (1) Necessary for the continuing operation of government and that relate to the applicable emergency declaration; or
BYLAWS

(2) Requiring decision during the remote public meeting due to imminent time constraints; or

c. That adequate notice and electronic notice was not provided, in which case such announcement shall state:

(1) The reason(s) why the matter(s) discussed are of such urgency and importance, as contemplated pursuant to N.J.S.A. 10:4-9(b)(1), and the nature of the substantial harm to the public interest likely to result from a delay in the holding of the meeting;

(2) That the remote public meeting will be limited to discussion of, and acting with respect to, such matters of urgency and importance;

(3) The time, place, and manner in which notice of the meeting was provided; and

(4) Either that the need for such meeting could not reasonably have been foreseen at a time when adequate notice and/or electronic notice could have been provided, in which event, such announcement shall specify the reason why such need could not reasonably have been foreseen; or that such need could reasonably have been foreseen at a time when adequate notice and/or electronic notice could have been provided, but such notice was not provided, in which event the announcement shall specify the reason why adequate notice and/or electronic notice was not provided.

8. Where the Board is required by law to provide a meeting agenda, or otherwise provides a meeting agenda by practice at its regularly scheduled meetings, prior to the commencement of the remote public meeting, the Board shall also make a copy of the agenda available to the public for download through an Internet link appearing either on the meeting notice, or near the posting of the meeting notice on the website.
a. The notice shall also be posted at the building where the meeting would otherwise be held prior to the commencement of the remote public meeting.

F. Executive or Closed Session During Remote Public Meetings

1. A Board entering into an executive or closed session shall ensure that audio or video of the session cannot be accessed, except by those individuals that are participating in the session.

   a. A separate non-public conference line or e-platform session may be employed for this purpose.

2. The secretary of the Board should take roll call with each individual affirmatively identifying themselves prior to commencing the closed session.

3. If a closed session is held through a telephonic conference call a separate call-in line should be made available to ensure confidentiality.

4. For closed sessions during remote public meetings held through video conferencing, audio recording should be muted and video recording blocked by a graphic labeled “Executive Session”.

5. As with in-person meetings, the Board shall have read into the record the reason(s) for entering into executive session.

N.J.A.C. 5:39-1.1 et seq.

Adopted: 14 April 2021
BYLAWS

VINELAND

BOARD OF EDUCATION

BYLAWS

0165/Voting

0165 VOTING

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

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

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

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

2. A two-thirds vote of the full membership of the Board is required for:
   a. Bids that have been advertised pursuant to N.J.S.A. 18A:18A-4 on two occasions and;
      (1) No bids have been received on both occasions in response to the advertisement; or
      (2) The Board of Education has rejected such bids on two occasions because it has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the Board of Education prior to the advertising therefore, or have not been independently arrived at in open competition; or
      (3) On one occasion no bids were received pursuant to #(1) and on one occasion all bids were rejected pursuant to #(2), in whatever sequence; any such contract may then be negotiated.
   b. Purchase of goods also available under state contract when the Board has received at least three quotations and the lowest responsible quotation is at least ten percent less than the price under the state contract for the identical goods and quantities, N.J.S.A. 18A:18A-5.e;
   c. Determine that it is necessary, in a Type II school district having a Board of School Estimate, to sell bonds to raise money for any capital project, N.J.S.A. 18A:22-27; and
   d. Sell bonds of a Type II district without further advertisement at private sale if no legally acceptable bid is received for the bonds pursuant to N.J.S.A. 18A:24-45.

3. A majority vote of the full membership of the Board is required for:
   b. Adoption or alteration of a course of study, N.J.S.A. 18A:33-l;

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;

r. Appointment and salary of Executive Superintendent in district in city of the first class with a population over 325,000 have a unit control organizational structure.
4. A roll call vote of the Board is required for the following actions with the necessary vote as indicated:

<table>
<thead>
<tr>
<th>Issue</th>
<th>Required Vote</th>
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<tbody>
<tr>
<td>b. Appointment of a secretary of Board of Education; terms; compensation; vacancy N.J.S.A. 18A:17-5</td>
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<tr>
<td>c. Assistant and acting secretaries; appointment, powers and duties N.J.S.A. 18A:17-13</td>
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<td>g. Appointment of shared Superintendent, School Business Administrator; terms N.J.S.A. 18A:17-24.3</td>
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<tr>
<td>i. Unit control organizational structure; Executive Superintendent N.J.S.A. 18A:17A-1</td>
<td>Majority of full Board</td>
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<td>Issue</td>
<td>Required Vote</td>
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<td>l. Type II districts with Board of School</td>
<td>Majority of full Board</td>
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<tr>
<td>Estimate; determination; certification</td>
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<td>m. Type II districts with Boards of School</td>
<td>Two thirds of full membership of Board</td>
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<tr>
<td>Estimate; estimate by Board of Education; certification of estimate</td>
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<tr>
<td>n. Determination of amounts by Board of School</td>
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<td>o. Type II districts without Board of School</td>
<td>Majority of full Board</td>
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<td>Estimate; determination and</td>
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<td>p. Type II districts without Board of School</td>
<td>Majority of full Board</td>
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<td>q. School bonds, when deemed to be authorized Type II.</td>
<td>Majority of 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 bids at public sale N.J.S.A. 18A:24-45</td>
<td>Two thirds of full membership of Board</td>
</tr>
<tr>
<td>s. Transfer of teaching staff member N.J.S.A. 18A:25-1</td>
<td>Majority of full Board</td>
</tr>
<tr>
<td>t. Suspension of Assistant Superintendents, Principals and</td>
<td>Majority of membership</td>
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<tr>
<td>teaching staff members N.J.S.A. 18A:25-6</td>
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<tr>
<td>Issue</td>
<td>Required Vote</td>
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<tr>
<td>u. Appointment of teaching staff members; vote required N.J.S.A. 18A:27-1</td>
<td>Majority of full Board</td>
</tr>
<tr>
<td>y. District to furnish suitable facilities; adoption of courses of study N.J.S.A. 18A:33-1</td>
<td>Majority of full Board</td>
</tr>
<tr>
<td>z. Textbooks; selection; furnished free with supplies; appropriations N.J.S.A. 18A:34-1</td>
<td>Majority of full Board</td>
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N.J.S.A. 10:4-14

Adopted: 09 June 2010
0166 EXECUTIVE SESSIONS

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

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

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

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

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

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

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

6. Any tactics and techniques utilized in protecting the safety and property of the public when their disclosure could impair such protection and any investigations of violations or possible violations of the law;

7. Any pending or anticipated litigation or contract negotiation other than as stated in #4 in which the Board is or may become a party and any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his/her ethical duties as a lawyer;

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: 09 June 2010
BYLAWS

0167 PUBLIC PARTICIPATION IN BOARD MEETINGS

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

In order to permit the fair and orderly expression of such comment, the Board shall provide a period for public comment at every public meeting.

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

Public participation shall be extended to residents of this district, persons having a legitimate interest in the actions of this Board, persons representing groups in the community or school district, representatives of firms eligible to bid on materials or services solicited by the Board, and employees and pupils of this district, except when the issue addressed by the participant is subject to remediation by an alternate method provided for in policies or contracts of the Board.

Public participation shall be governed by the following rules:

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

2. Each statement made by a participant shall be limited to five minutes' duration and 2 minutes if the meeting is being held virtually.

3. No participant may speak more than once on the same topic until all others who wish to speak on that topic have been heard;

4. All statements shall be directed to the presiding officer; no participant may address or question Board members individually;

5. The presiding officer may:

   a. Interrupt, warn, or terminate a participant's statement when the statement is too lengthy, abusive, obscene, or irrelevant;

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

   c. Request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;

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

N.J.S.A. 2C:33-8
N.J.S.A. 10:4-12
Revised: 09 Sept. 2020

Adopted: 09 June 2010
0168 RECORDING BOARD MEETINGS

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

Minutes

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

Minutes of public meetings shall be public records signed by the Board Secretary and filed in the 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 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 Secretary shall provide each Board member with a copy of the minutes no later than two days before the next regular Board meeting.

Electronic Recording

The Board Secretary shall make a video recording of each regularly scheduled and special Board of Education Meetings as an administrative aid in preparation of the official minutes. These video recordings are unofficial records of the Board of Education’s meetings. The video recordings shall be posted to the School District’s “YouTube” account for public viewing. The video recordings shall be made available on the “YouTube” account for minimally 24 months. The district may erase and/or destroy these recordings after 24 months in accordance with laws and rules for destruction of public records.

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

Recording by the Public

Any member of the public may record the proceedings of a public meeting of the Board in a manner that 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 tape recorder(s), still or movie camera(s), or videotape camera(s) only when notice of such intended use has been given to the Board Secretary three days in advance of the meeting.

No more than three cameras may be in use at any time, and any camera must be operated in an inconspicuous location in the meeting room.

The presiding officer shall determine when any recording device interferes with the conduct of a Board meeting and may order that an interfering device be removed.

Any recording of a Board meeting that is made available to persons other than the maker of the recording and is set forth as a true and accurate record of that meeting must be open to inspection by the Board and may be copied by this Board at the Board's expense.

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

Adopted: 09 June 2010
Revised: 21 August 2019
The Board of Education is a public body as defined in the New Jersey Open Public Meetings Act, N.J.A.C. 10:4-6 et seq., and the Board and its members are required to comply with the provisions of this Act. It is the right of the public to be present at meetings of public bodies and to witness in full all phases of the deliberations, policy formulation, and decision-making. Board members acknowledge certain discussions between Board members, other than during a Board meeting, may be subject to the provisions of the Open Public Meetings Act.

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

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

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

2. Written letters, internet (chat) discussions, e-mails, and supporting documents regarding the school district’s public business written by Board members to other Board members shall not replace deliberations that would prevent the public from witnessing in full detail all phases of the Board’s deliberations, policy formulation, and decision-making process in accordance with the intent of the Open Public Meetings Act.

3. Internet (chat) discussions between Board members regarding the school district’s public business shall not include multiple Board members with the potential that a quorum of the Board may be involved, or become involved, in such discussion.
In the event a Board member(s) fails to comply with the guidance of this Policy, the matter shall be referred to the Board President, who will meet and/or discuss the matter and this Policy with the Board member(s). The Board President may request the Board Attorney participate in this meeting and/or discussion.

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

Adopted: 09 June 2010
0169.01 BOARD MEMBER USE OF SOCIAL NETWORKS

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

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

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

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

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

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

1. Not post anything that would violate any of the district’s policies for Board members;

2. Uphold the district’s value of respect for any individual(s) and avoid making defamatory statements about the Board of Education, the school district, employees, students, or their families;

3. Not disclose any confidential information about the school district or confidential information obtained as a result of being a Board member, about any individual(s) or organization, including students and/or their families;

4. Not use or refer to their Board of Education title or position when soliciting for a business organization that he or she or any immediate family member has an interest in, as well as posting or referencing any confidential information regarding the Board of Education or the school district obtained through their Board membership, unless authorized by law;

5. Refrain from having communications through social networks with other Board members regarding any Board of Education business to avoid any potential violation of the New Jersey Open Public Meetings Act;

6. Not respond to any postings regarding Board of Education or school district business or respond to any question or inquiry posted to the Board member or posted on any social network regarding Board of Education or school district business and shall refer any such questions or inquiries to the Superintendent of Schools to address, as appropriate; or

7. Not post any information on a social network determined by the New Jersey School Ethics Commission to be a violation of the New Jersey School Ethics Act.
A Board member shall comply with all Board policies regarding acceptable use of computers and computer networks whenever a Board member is using a Board of Education electronic device.

If a Board member or the Superintendent believes a Board member’s activity on any social network may violate the Board’s policies or the New Jersey School Ethics Act, the Board member or Superintendent shall notify the Board President who shall request the Board member to cease such activity.

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

Adopted: 02 May 2018
BYLAW 0170 AUDIO-VIDEO PARTICIPATION BY BOARD MEMBERS AT PUBLIC MEETINGS

A Board member may attend a public meeting of the Board by audio and/or visual connection if he or she is prevented from physically attending because of: (1) personal illness or disability, (2) employment purposes, (3) District business, (4) a family emergency, or (5) other just cause. Therefore, the Board authorizes the Board President to permit Board members to participate in a Board meeting using his/her audio and/or visual device if there is good cause why the Board member cannot attend in person and the request is received at least 24 hours in advance to allow a good quality electronic connection to be established. Not more than two Board members at a time may participate by audio and/or visual connection in any public meeting of the Board, nor may any Board member participate electronically more than three times in any consecutive twelve month period.

Members who participate in a Board meeting through electronic means shall be counted in the quorum. Also, electronic participation in executive sessions will not be permitted.

Minutes of all meetings shall specify if a member was physically present or present electronically. When a member attends a meeting electronically, all votes shall be by roll call vote. A member who is attending electronically must identify him/herself by name and be recognized by the Board President before speaking.

The Board shall not purchase nor provide any audio and/or video device for any Board member to enable the Board member to participate electronically in a Board meeting.

Adopted July 10, 2013
Revised: 24 August 2016
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. 6:3-1.2;


5. Subscribe bonds, notes, contracts, and other legal instruments for which the signature of the President is called, 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; and

8. Assist in the preparation of the Board agenda.

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: 09 June 2010
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:23-2.2(i)1., unless the accountant or firm can show good cause as to why there was a delay completing such report within the required timelines established by Government Auditing Standards. 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 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:23-2.2(i)6.

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 not later than four months after the end of the school fiscal year as required in 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:23-2.2 et seq.

Adopted: 09 June 2010
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, Superintendent of Schools’ designee, School Business Administrator/Board Secretary, Board President, and Building Principals as designated contact persons to request services or advice from contracted legal counsel.

The School Business Administrator/Board Secretary 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.

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 or if legal advice is necessary.

3. The designated contact person(s) shall maintain a log of all legal counsel contact including the name of the legal counsel contacted, date of the contact, issue discussed, and length of contact.

4. All written requests for legal advice and logs of legal counsel contacts shall be forwarded to the School Business Administrator/Board Secretary, who shall be responsible to review all legal bills and compare all legal bills to the contact logs and to investigate and resolve any variances.

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 only 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 that ensures the district receives the highest quality services at a fair and competitive price or through a shared service arrangement. This may include, but is not limited to, issuance of such contracts through a Request for Proposals (RFP) based on cost and other specified factors or other comparable processes. 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

Adopted: 09 June 2010
BYLAWS

VINELAND

BOARD OF EDUCATION

BYLAWS

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Collective Bargaining and Contract
Approval/Ratification

0176 COLLECTIVE BARGAINING AND CONTRACT
APPROVAL/RATIFICATION

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

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

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

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

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: 09 June 2010
0177  PROFESSIONAL SERVICES

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

The Board 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 Proposals (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: 09 June 2010