

**Bylaw**

ROLE OF THE BOARD

The Montague Township Board of Education is constituted, authorized, and governed by New Jersey statutes and exists for the purpose of providing a thorough and efficient system of free public education in grades preschool through eight in the Montague Township School District.

The school district is comprised of all the area within the municipal boundaries of the Township of Montague and is classified as a Type II district. The official name of the board is "The Board of Education of Montague Township in the County of Sussex." The board's address is:

475 Route 206  
Montague, New Jersey 07827

Powers and Duties

The board shall be responsible for the operation of the school but shall delegate the administration of the school to the chief school administrator, who shall be appointed by a recorded roll-call majority vote of the full board. The board shall exercise its powers through the legislation of bylaws and policies for the organization and operation of the school district.

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

The board believes that, by diligently exercising the following functions, it will be able to provide the best educational opportunities possible for the children of Montague Township, within the financial limitations set by the community:

A. Policy oversight

The board is responsible for the development of bylaws and policies and for the employment of a chief school administrator who shall carry out its policies through the development and implementation of regulations. The board is responsible for evaluating the effectiveness of its policies and their implementation.

B. Goal setting

The board, with input from the chief school administrator, is responsible for setting and evaluating district goals in educational and financial areas, as well as for setting and evaluating board goals to enhance board operations. The board is also responsible for evaluating the effectiveness of the chief school administrator in terms of the achievement of the district goals, as well as in terms of professional standards of performance.

C. Educational planning

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

D. Provision of financial resources

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

E. Interpretation

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

F. Adjudication

The board shall hold all hearings that are required by law, including but not limited to due process hearings related to: harassment, intimidation, and bullying; suspension and expulsion; and nonrenewal.

The board may also assume jurisdiction over any dispute or controversy arising within this school district not addressed in contracts with employees and concerning any matter over which authority has been vested in the board by statute, rule of the New Jersey State Board of Education, or a contract or policy of this board.

Any board hearing will offer the parties to a dispute, on notice duly given, a fair and impartial forum for the resolution of the matter.

Adopted: October 22, 2008  
 NJSBA Review/Update: September 2015  
 Readopted:

Key Words

Boards of Education, Role of the Board

<b><u>Legal References:</u></b>	<p><u>N.J.S.A.</u> 18A:10-1  <u>N.J.S.A.</u> 18A:11-1  <u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>  <u>N.J.S.A.</u> 18A:17-15  <u>N.J.S.A.</u> 18A:33-1  <u>N.J.S.A.</u> 18A:34-1  <u>N.J.S.A.</u> 18A:36-2  <u>N.J.S.A.</u> 18A:54-20  <u>N.J.A.C.</u> 6A:4-1.1 <u>et seq.</u>  <u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u>  <u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>  <u>N.J.A.C.</u> 6A:23A-1 <u>et seq.</u>  <u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>  <u>N.J.A.C.</u> 6A:32-1.1 <u>et seq.</u>  <u>N.J.A.C.</u> 6A:32-3.2</p>	<p>Constitution of boards of education; conduct of schools; state-operated school district                  General mandatory powers and duties  <u>School Ethics Act</u>                  Appointment of superintendents; terms; apportionment of expense                  District to furnish suitable facilities; adoption of courses of study                  Textbooks; selection; furnished free with supplies; appropriations                  Time when schools are open; determination                  Powers of board (county vocational schools)                  Appeals                  Standards and Assessment                  School Ethics Commission                  Accountability regulations                  Evaluation of the Performance of School Districts                  School District Operations                  Requirements for the Code of Ethics for school board</p>
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members and charter school board of trustees members

**Possible**

<b><u>Cross References:</u></b>	*1000/1010	Concepts and Roles in Community Relations; Goals and Objectives
	*2000/2010	Concepts and Roles in Administration; Goals and Objectives
	*2131	Chief School Administrator
	*3000/3010	Concepts and Roles in Business and Noninstructional Operations; Goals and Objectives
	4000	Concepts and Roles in Personnel
	5000	Concepts and Roles in Student Personnel
	6000	Concepts and Roles in Instruction
	*6140	Curriculum Adoption
	*6161.1	Guidelines for Evaluation and Selection of Instructional Materials
	7000	Concepts and Roles in Construction, Remodeling, and Renovation
	*9311	Formulation, Adoption, and Amendment of Policies
	*9312	Formulation, Adoption, and Amendment of Bylaws
	*9313	Formulation, Adoption, and Amendment of Administrative Regulations
	*9314	Suspension of Policies, Bylaws, and Regulations

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

**MONTAGUE TOWNSHIP BOARD OF EDUCATION**  
**Montague Township, New Jersey**

**FILE CODE: 9010**  
 **Monitored**  
 **Mandated**  
 **Other Reasons**

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**Bylaw**

ROLE OF THE MEMBER

It is understood that the members of the Montague Township Board of Education have authority only when acting as a board that is legally in session. The board shall not be bound in any way by any action or statement on the part of any individual board member, except when such statement or action fulfills specific instructions from the board.

Members of the board shall adhere to the Code of Ethics for board members (see bylaw 9271).

Confidential information shared with a board member to aid in the discharge of his or her board duties shall be used only for that purpose. No board member shall reveal information contained in a confidential record or imparted during a duly convened executive session of the board, except when that information has been released to the public by the board.

No board member, by virtue of his or her office, shall exercise any administrative responsibility with respect to the school, or as an individual command the services of any school employee.

Board members visiting the school for any reason shall observe district regulations for all visitors.

Adopted: October 22, 2008  
NJSBA Review/Update: September 2015  
Readopted:

Key Words

Individual Board Member, Board Members' Role

**Legal References:** N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:12-21 et seq School Ethics Act  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 6A:28-1.1 et seq. School Ethics Commission

**Possible**

**Cross References:** \*1250 Visitors  
\*9020 Public Statements  
\*9271 Code of Ethics

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

**MONTAGUE TOWNSHIP BOARD OF EDUCATION**  
Montague Township, New Jersey

**FILE CODE: 9020**  
 **Monitored**  
 **Mandated**  
 **Other Reasons**

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**Bylaw**

PUBLIC STATEMENTS

Only the Montague Township Board of Education president shall authorize or make statements of official board positions. No individual member of the board will speak for, or in the name of, the total board unless explicitly directed by the board to do so.

When communicating individually with members of the public, board members should emphasize that they can only speak as individual board members unless specifically empowered by the board to speak for it.

When voicing their opinions publicly in forums in which their board membership may be recognized, individual board members should state that they are not authorized to speak for the board and that their opinions do not necessarily represent those of the board.

Adopted: October 22, 2008  
NJSBA Review/Update: September 2015  
Readopted:

Key Words

Board Members' Role, Public Statements

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:42-4	Distribution of literature to candidacy, board issues, or other public question to be submitted at election; prohibited
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)

**Possible**

<b><u>Cross References:</u></b>	*1100	Communicating With the Public
	*1110	Media
	*9010	Role of the Member
	*9271	Code of Ethics

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

**Bylaw**

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NUMBER OF MEMBERS AND LENGTH OF TERMS

Number of Members

The Montague Township Board of Education shall consist of seven members who are qualified electors and residents of the school district (see policy 9111 Qualifications & Requirements of Board Members).

The chief school administrator 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.

Length of Term: Election

If elected at large by the legal voters of the district to a board vacancy caused by the expiration of another member's term, the newly elected member serves for three years.

If elected at large by the legal voters of the district to fill a vacancy that occurred prior to the expiration of another member's term, the newly elected member serves for the remainder of the unexpired term.

The terms of all such newly elected members begin at the annual organization meeting following the school election.

Length of Term: Appointment

Board members who are appointed to fill unanticipated vacancies shall serve from the date of appointment until the organization meeting following the next annual election.

However, if a member is appointed to fill an unanticipated vacancy after the third Monday in July (for November elections), the appointed member's term shall be extended until the organization meeting following the second annual election after the appointment.

Vacancies for any remainder of unexpired terms from such vacancies shall be filled at the next annual election or the second annual election after the occurrence of the vacancy, as the case may be.

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Readopted:

Key Words

Qualifications, Terms of Office

<b>Legal References:</b>	N.J.S.A. 18A: 12-1	Qualifications of members
	N.J.S.A. 18A: 12-11	Election and number of board members; terms
	N.J.S.A. 18A:12-11.1	New district may elect three, five, seven, or nine members
	N.J.S.A. 18A:12-15	Vacancies (Type II district)

**Possible**

**Cross References:**

9111	Qualifications & Requirements of Board Members
9113	Filling Board Vacancies
9322.1	Annual Organization Meeting

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

**Bylaw**

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QUALIFICATIONS AND REQUIREMENTS OF BOARD MEMBERS

Each member of the Montague Township Board of Education shall possess the qualifications required by law and shall be bound by the provisions of the School Ethics Act. Qualifications for a member of the board are as follows:

- A. The member is a citizen of the United States of America;
- B. The member is at least 18 years of age;
- C. The member is able to read and write;
- D. The member has been a resident of the municipality from which he or she is elected or appointed for at least one year immediately preceding the date of the election or appointment;
- E. The member is registered to vote in the municipality from which he or she is elected;
- F. The member is not disqualified as a voter pursuant to N.J.S.A. 19:4.1;
- G. The member does not hold office as mayor or as a member of the governing body of a constituent municipality;
- H. The member has no interest directly or indirectly in any contract with or claim against the board; and
- I. The member 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, within 30 days of the election or appointment to the board, shall undergo a criminal history background check for the purpose of ensuring that the member is not disqualified for membership due to 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 background check, including all costs for administering and processing the investigation.

Oath of Office

Upon beginning the duties of the office, each member of the board shall swear or affirm under oath that he or she qualifies for membership and will faithfully discharge the duties of the office of board member.

Disclosure

Within 30 days of election/appointment, board members shall file with the board secretary, on forms provided by the School Ethics Commission, both a Personal/Relative Disclosure Form (N.J.S.A. 18A:12-25) and a Financial Disclosure Statement (N.J.S.A. 18A:12-26). The board secretary shall file the original with the executive county superintendent (N.J.A.C. 6A:28-3.1).

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Key Words

Board Member, Qualifications, Criminal History Check, Crime Check, Criminal Background Check

QUALIFICATION AND REQUIREMENTS  
OF BOARD MEMBERS (continued)

File Code: 9111

<b>Legal References:</b> <u>N.J.S.A. 18A:12-1 et seq.</u>	Qualifications of Board Members
<u>See particularly:</u>	
<u>N.J.S.A. 18A:12-1.2</u>	Criminal history background investigation for board of education members
<u>N.J.S.A. 18A:12-25, 26</u>	Personal/Relative Disclosure Form and Financial Disclosure Form
<u>N.J.S.A. 18A:13-7</u>	Regional Board Members
<u>N.J.S.A. 19:4-1</u>	Constitutional Qualifications
<u>N.J.A.C. 6A:28-3.1</u>	Filing disclosure statements

**Possible**

**Cross References:**

9111	Qualifications & Requirements of Board Members
9113	Filling Board Vacancies
*9200	Orientation and Training of Board Members
*9270	Conflict of Interest
*9271	Code of Ethics
9322.1	Annual Organization Meeting

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



FILLING BOARD VACANCIES

Annual Board Member Election

The Montague Township School District shall hold an annual election on the date of the November general election, at which qualified candidates for the Montague Township Board of Education shall be elected by the legal voters of the district to full terms, as well as to any unexpired terms to be filled by virtue of a vacancy.

Each board candidate must be nominated directly by an official petition endorsed by at least 10 qualified district voters. Nominating petitions shall be filed with the Sussex County Clerk by 4:00 p.m. on the date of the primary election.

Vacancies Filled by the Board

The board shall fill all vacancies that are not required by law to be filled by public election, the executive county superintendent, or the New Jersey Commissioner of Education.

Vacancies filled by the board may include those created by the resignation, removal for cause, or death of a serving member. Each vacancy shall be filled within 65 days, as prescribed by law.

Vacancies Filled by the Executive County Superintendent

The executive county superintendent shall fill vacancies caused by an absence of candidates for the annual election, by the board's failure to fill a board vacancy within 65 days, by the removal of a member because of lack of qualifications, and when a special election held to resolve a tie also results in a tie. The executive county superintendent also appoints enough members to make up a quorum when one is lacking due to vacancies.

Vacancies Filled by Special Election

If the annual school election of two or more qualified candidates results in a tie, a special election shall be held only upon recount and certification of the election result by the county board of elections. The special election shall be restricted to such candidates. If the special election also results in a tie, the vacancy shall be filled by the executive county superintendent.

A special election shall also be held if there is a failure to elect a member at the annual school election due to improper election procedures. This special election shall be restricted to the persons who were candidates at the annual school election.

In both cases, the special election shall be held within 60 days of the annual school election and shall be conducted in accordance with the procedures for annual and special school elections set forth in Title 19 of the revised statutes.

Vacancies Filled by the Commissioner of Education

The commissioner shall fill vacancies caused by a failure to elect a member at the annual school election due to improper campaign practices.

Board Procedures for Filling Vacancies

The board secretary shall promptly notify the chief school administrator and board president of the existence of any board vacancy that comes to his or her attention.

If the board vacancy occurs due to the recall of a board member, all procedures of the law shall be followed to fill that vacancy.

To find candidates for vacancies, the board may advertise in suitable local media. Each applicant shall file a letter of interest with the board secretary. The board shall hold interviews with applicants at a public meeting with the board acting as a committee of the whole. Applicants shall be qualified upon nomination by a sitting board member at a public meeting. Each nomination requires a second.

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

The board may use executive session only to discuss the qualifications of specific candidates for a vacancy.

All vacancies should be filled by board election at a public meeting, with a roll call vote conducted for all candidates. If there are multiple vacancies, each must be filled by a separate election.

In the event that no candidate receives a majority of the votes cast, a second board election shall be conducted between the two candidates receiving the highest number of votes.

Vacancy in the Office of Board President

If a resignation or removal results in a vacancy of the office of board president or vice-president, another member shall be elected to the respective office within 30 days, as prescribed by law. If the board fails to fill the office within such time, the executive county superintendent shall fill the office for the unexpired term.

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 Readopted:

Key Words

Filling Vacancies, Board Vacancies

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:6-56	Election of members of representative assembly; vacancies (educational services commission)
	<u>N.J.S.A.</u> 18A:12-1	Qualifications of board members
	<u>N.J.S.A.</u> 18A:12-3	Cessation of members
	<u>N.J.S.A.</u> 18A:12-7	Boards; appointments; vacancies (Type I district)
	<u>N.J.S.A.</u> 18A:12-15	Vacancies (Type II district)
	<u>N.J.S.A.</u> 18A:13-11	Vacancies in membership of board; filling (regional)
	<u>N.J.S.A.</u> 18A:38-8.1	Additional member on board of education in each sending district
	<u>N.J.S.A.</u> 19:27A-1 <u>et seq.</u>	Uniform Recall Election Law

**Possible**

<b><u>Cross References:</u></b>	*9010	Role of the Member
	9110	Number of Members and Length of Terms
	9111	Qualifications & Requirements of Board Members
	9112	Annual Board Member Election
	9113	Filling Board Vacancies
	9114	Board Member Resignation and Removal
	*9270	Conflict of Interest
	*9271	Code of Ethics
	9322.1	Annual Organization Meeting

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

**Bylaw**

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BOARD MEMBER RESIGNATION AND REMOVAL

Resignation

Any member of the Montague Township Board of Education who wishes to vacate his or her term of office prior to its expiration may do so by notifying the board secretary, who shall promptly notify the chief school administrator and board president of the existence of a vacancy.

Cause for Immediate Removal

When a board member ceases to meet all of the qualifications for board membership cited in bylaw 9111 Qualifications and Requirements of Board Members, such as by ceasing to be a bona fide resident of the district, membership on the board shall immediately cease.

Any member convicted of falsely affirming that he or she is a qualified voter shall be immediately disqualified for office.

Other Causes for Removal

Any member who fails to attend three consecutive meetings of the board without good cause may be removed from office on the affirmative vote of a majority of the full board, provided the action shall have been proposed at the preceding meeting of the board. As a best practice, the board shall provide notice of the action to the absent member in advance of the meeting for which such action has been proposed.

A board member may be removed by action of the New Jersey Commissioner of Education upon recommendation of the Ethics Commission for failure to take mandated training, violations of the Code of Ethics, or violations of the School Ethics Act.

A board member may be recalled by voters of Montague Township in accordance with statute, code, and applicable case law.

A president or vice-president of the board who refuses to perform a duty imposed by law may be removed from the office by a majority vote of all of the members of the board. If the office of president or vice-president shall become vacant, the board shall elect another member to the respective office within 30 days, as prescribed by law. If the board fails to fill the office within such time, the executive county superintendent shall fill the office for the unexpired term.

Adopted: October 22, 2008  
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Readopted:

Key Words

Elections, Nominating Petitions, Candidates

**Legal References:** N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:12-2 Inconsistent interests or office prohibited  
N.J.S.A. 18A:12-21 et seq. School Ethics Act  
See particularly:  
N.J.S.A. 18A:12-24, -24.1  
N.J.S.A. 19:27A-1 et seq. Uniform Recall Election Law  
N.J.A.C. 6A:4-1.1 et seq. Appeals

RESIGNATION AND REMOVAL  
FROM OFFICE (continued)

File Code: 9114

N.J.A.C. 6A:28-1.1 et seq. School Ethics Commission

**Possible**

<b><u>Cross References:</u></b>	*4112.8/4212.8	Nepotism
	*9111	Qualifications & Requirements of Board Members
	*9113	Filling Board Vacancies
	*9200	Orientation and Training of Board Members
	*9270	Conflict of Interest

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

**Bylaw**

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DUTIES OF THE BOARD PRESIDENT AND VICE-PRESIDENT

The president and vice-president of the Montague Township Board of Education shall have the right, as other board members have, to offer resolutions, to discuss questions, and to vote. In addition, the board president (and in the board president's absence, the vice-president) shall preside at all meetings of the board and shall perform other duties as directed by statute, New Jersey Department of Education regulations, and this board.

In carrying out these responsibilities, the president (or in the president's absence, the vice-president) shall:

- A. Sign the instruments, acts, and orders necessary to carry out state requirements and the will of the board;
- B. Consult with the chief school administrator on the board's agendas;
- C. Appoint board committees and chairpersons;
- D. Call such meetings of the board as he or she may deem necessary upon at least two days' notice;
- E. Serve as an ex officio member of all board committees;
- F. Confer with the chief school administrator on crucial matters that may occur between board meetings; and
- G. Be responsible for the orderly conduct of all board meetings.

When acting as presiding officer at any meeting of the board, the president (or in the president's absence, the vice-president) shall:

- A. Call the meeting to order at the appointed time;
- B. Announce the business to come before the board in its proper order;
- C. Enforce the board's policies relating to the order of business and the conduct of meetings;
- D. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference;
- E. Explain what the effect of a motion would be, if it is not clear to every member;
- F. Restrict discussion to the question when a motion is before the board;
- G. Answer all parliamentary inquiries, referring questions of law to the board's attorney; and
- H. Put motions to a vote, stating definitely and clearly the vote and result thereof.

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Readopted:

Key Words

President, Vice-President, Board President

DUTIES OF THE BOARD PRESIDENT  
AND VICE-PRESIDENT (continued)

File Code: 9121

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:6-20	The right to testify; counsel; witnesses; compulsory process
	<u>N.J.S.A.</u> 18A:6-54	Representative assembly; organization; election of board of directors and officers (educational services commission)
	<u>N.J.S.A.</u> 18A:13-12	Organization of boards; failure to organize
	<u>N.J.S.A.</u> 18A:15-1	President and vice president; election or failure to elect
	<u>N.J.S.A.</u> 18A:15-2	Removal of president or vice president; vacancies
	<u>N.J.S.A.</u> 18A:19-1	Expenditure of funds on warrant only; requisites
	<u>N.J.S.A.</u> 18A:19-9	Compensation of teachers, etc., payrolls
	<u>N.J.S.A.</u> 18A:54-18	Organization of boards of education (county vocational schools)
	<u>N.J.A.C.</u> 6A:32-3.1	Special meetings of district boards of education
<b><u>Possible</u></b>		
<b><u>Cross References:</u></b>	*1120	Board of Education Meetings
	*9020	Public Statements
	*9130	Board Committees
	*9322	Public and Executive Sessions

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

**Bylaw**

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TREASURER OF SCHOOL MONEYS

The Montague Township Board of Education may appoint a suitable person, except a member or employee of the board, as treasurer of school moneys, and may fix the treasurer's salary. The treasurer shall give bond in such amount, according to such terms as are required by law of school district treasurers of school moneys, and with such surety as the board shall direct. The board in its determination of the amount shall be guided by a schedule of minimum limits to be promulgated by the New Jersey State Board of Education (N.J.S.A. 18A:8-33).

The treasurer of school moneys shall:

- A. Receive and hold in trust all school moneys, except moneys from athletic events and student organization activities, and when required by board resolution, deposit all or part of such money in the bank or banks of this state designated by the board (N.J.S.A. 18A:17-34);
- B. Pay out school moneys only on warrants made payable to the person entitled to receive payment, specifying the object for which it is issued, and signed by the president and board secretary and chief school administrator or treasurer:
  1. After audit of the account or demand to be paid, by the secretary, and after approval by the board; or
  2. According the duly certified payroll;
  3. For debt service;
  4. When authorized by board resolution, after audit of the accounts or demand to be paid, and approval by a person designated by the board (N.J.S.A. 18A:19-1);
- C. Receive the payrolls with a warrant made to his or her order for the full amount of each payroll (N.J.S.A. 18A:19-9);
- D. Deposit the warrants in a separate bank account as a payroll account, and make payment to the teachers and others entitled thereto by individual checks drawn to their respective orders upon such account (N.J.S.A. 19-10);
- E. When a warrant for the payment of current expenses of a public school is drawn and issued and there are no funds for payment of the warrant;
- F. When a warrant for the payment of current expenses of a public school is drawn and issued and there are no funds for payment of the warrant, the warrant shall bear legal interest until such time as the secretary or treasurer, as appropriate, gives public notice of the fact that funds are provided for the payment of the warrant (N.J.S.A. 18A:19-12);
- G. Keep a record of sums received and paid out in books provided for that purpose and in accordance with the uniformed system of bookkeeping prescribed by the state board. Upon ceasing to hold the office of treasurer of school moneys, he or she shall pay over the balance of school funds remaining in his or her hands to his or her successor in office (N.J.S.A. 18A:17-35);
- H. Render a monthly report to the board, and at other times as requested by the board, giving a detailed account of all receipts, the amounts of all warrants signed since the date of the last report, the accounts from which they were drawn, and the balance in each account, N.J.S.A. 18A:17-36;

TREASURER OF SCHOOL MONEYS (continued)

- I. At the close of the school year and not later than August 1 of each year, render an annual report showing the amounts received and disbursed by him or her during the school year, and file a copy with the executive county superintendent. The treasurer of school moneys shall also report to the executive county superintendent in the manner and form prescribed by the New Jersey Commissioner of Education (N.J.S.A. 18A:17-36); and
- J. Receive the proceeds of any bond sale and disburse them only to pay the expenses of issuing and selling the bonds, the purpose for which the bonds were issued, and the temporary investment of the funds, N.J.S.A. 18A:24-47.

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 Readopted:

Key Words

Treasurer of School Money, Treasurer of School Moneys, Treasurer

<b><u>Legal References:</u></b>	<u>N.J.S.A. 18A:16-1</u>	Officers and employees in general
	<u>N.J.S.A. 18A:17-31</u>	Custodians of school moneys; who to act
	<u>N.J.S.A. 18A:17-32</u>	Bond of custodian
	<u>N.J.S.A. 18A:17-33</u>	Compensation
	<u>N.J.S.A. 18A:17-34</u>	Receipt and disposition of moneys
	<u>N.J.S.A. 18A:17-35</u>	Records and receipts and payments
	<u>N.J.S.A. 18A:17-36</u>	Accounting; monthly and annual reports
	<u>N.J.S.A. 18A:19-1</u>	Expenditure of funds on warrants only; requisites
	<u>N.J.S.A. 18A:10-9</u>	Compensation of teachers, etc., payrolls
	<u>N.J.S.A. 18A:19-10</u>	Payroll bank account; check for compensation
	<u>N.J.S.A. 18A:19-12</u>	Interest payable on certain warrants not immediately

**Possible**

<b><u>Cross References:</u></b>	*1120	Board of Education Meetings
	*3570	District Records and Reports
	*3571.4	Audit

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



**Bylaw**

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BOARD ATTORNEY

The attorney for the Montague Township Board of Education shall be retained as the attorney for legal counsel and service in the affairs of the district.

The board attorney shall be appointed at the annual organization meeting by a majority of those present and voting. Appointment shall be on an annual basis for the ensuing school year. The attorney shall be paid for services rendered at a fee to be approved by the board. Nothing herein shall preclude the board from employing other attorneys.

The district shall minimize the cost of legal services by establishing in the budget a maximum annual amount for such services. The board shall be notified if it becomes necessary to exceed the maximum amount appropriated for legal services and, upon notification, may adopt an increase in the amount through formal board action.

The board president, chief school administrator, and business administrator/board secretary may contact the attorney on board and district issues.

Legal counsel shall not be 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.

The business administrator/board secretary shall be responsible to review and track all legal bills and confer with designated contact persons in reviewing such legal bills.

The board retains the right to limit contacts at any time and/or to limit the discretion of the board president.

For additional guidance related to the prudent use of legal services and conformance to New Jersey statutes, see policy 3327 Relations with Vendors.

Adopted: April 8, 2009  
Revised: July 28, 2010  
NJSBA Review/Update: September 2015  
Readopted:

Key Words

Board Attorney, Organization Meeting

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:16-1	Officers and employees in general
	<u>N.J.S.A.</u> 18A:16-6	Indemnity of officers and employees against civil actions
	<u>N.J.A.C.</u> 6A:23A-5.2	Public relations and professional services

<b><u>Possible</u></b>		
<b><u>Cross References:</u></b>	3327*	Relations With Vendors
	9322.1	Annual Organization Meeting

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

**Bylaw**

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AUDITOR

The Montague Township Board of Education shall appoint a licensed public school accountant as auditor for the board, as required by law, at its annual organizational meeting.

Appointment shall be on an annual basis for the ensuing school year. The auditor shall be paid for services rendered at a fee to be approved by the board.

The auditor's main duties shall be to make an annual audit and act as a consultant to the board on financial matters. As additional duties, the auditor may also:

- A. Conduct the investigation, accounting, and checking of accounts, bills, revenues, and other financial records and documents essential to the completion of a public statement of the financial status of the board for the school year, as required by the New Jersey Department of Education rules of audit (N.J.S.A. 18A: 23-2);
- B. File a report of the annual audit and recommendations with the board, and file two copies with the New Jersey Commissioner of Education (N.J.S.A. 18A: 23-3);
- C. Make a public report to the board concerning the audit;
- D. Recommend in writing such measures as the public school accountant deems advisable to improve the financial operations of the board and the business office;
- E. Be accessible for consultation with the chief school administrator and school business administrator/board secretary concerning fiscal matters.

Adopted: October 22, 2008  
NJSBA Review/Update: September 2015  
Readopted:

Key Words

Auditor, Organization Meeting

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A: 4-14	Uniform system of bookkeeping for all school districts
	<u>N.J.S.A.</u> 18A:23-1	Audit, when and how made
	<u>N.J.S.A.</u> 18A:23-2	Scope of audit
	<u>N.J.S.A.</u> 18A:23-3	Filing of recommendations; publication
	<u>N.J.S.A.</u> 18A:23-7	Report signed by auditor
	<u>N.J.S.A.</u> 18A:23-8	Audit made by licensed public school accountant
	<u>N.J.S.A.</u> 18A:23-9	Declaration of accountant
	<u>N.J.A.C.</u> 6A:23A-16.1 through -16.3	Double entry bookkeeping and GAAP accounting in local school districts

**Possible**

<b><u>Cross References:</u></b>	3000/3010*	Concepts and Roles in Business and Non-Instructional Operations
	3571.4	Audit
	9322.1	Annual Organization Meeting

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

**Bylaw**

BOARD COMMITTEES

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

Standing Committees

The board may authorize the establishment of such standing committees from among its membership as it finds necessary to study operations and make recommendations for board action, such as:

- A. Finance and Insurance;
- B. Personnel;
- C. Building and Grounds;
- D. Transportation;
- E. Policy and Public Relations;
- F. Curriculum and Child Study Team.

The following rules will govern the appointment and function of standing committees:

- A. Each committee shall be established through action of the board;
- B. Committee chairpersons and members shall be appointed annually for one-year terms by the board president;
- C. Each committee shall be provided with a list of its functions and duties;
- D. Each committee may make recommendations for board action, but may not act for the board;
- E. Each committee shall consist of no more than three members, one of whom shall be the board president, who shall be an ex officio member of all standing committees;
- F. The chief school administrator shall also be an ex officio member of all standing committees;
- G. All standing committees shall be dissolved and reconstituted by the board at the annual organizational meeting or may be dissolved at any time by a motion of the board.

Special Committees

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

Committee of the Whole

The board reserves the right to meet and work as a committee of the whole in discussion, informational, and

exploratory sessions. No official action shall be taken at these meetings, unless so advertised.

Adopted: October 22, 2008  
NJSBA Review/Update: September 2015  
Readopted:

Key Words

Committees, Board Committees

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 10:4-6 <u>et seq.</u>	<u>Open Public Meetings Act</u>
	<u>N.J.S.A.</u> 18A:10-6	Board meetings public; frequency; hours of commencement; adjournment, etc., for lack of quorum
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	<u>School Ethics Act</u>
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission

School Ethics Commission, Advisory Opinion, A01-93  
 School Ethics Commission, Advisory Opinion, A10-93  
 School Ethics Commission, Advisory Opinion, A33-95  
 School Ethics Commission, Advisory Opinion, A02-00  
 School Ethics Commission, Advisory Opinion, A14-00

**Possible**

<b><u>Cross References:</u></b>	*1220	<u>Ad hoc</u> Advisory Committees
	*9121	Duties of the Board President and Vice-President
	9325	Meeting Procedures

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

**Bylaw**

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BOARD CONSULTANTS

The Montague Township Board of Education may consider hiring expert consultants when it feels its own or the district's resources are too limited to conduct a complete study of an important topic for decision or to supply a required service. The fees for these services must be consistent with budget appropriations and shall require board approval. All consultants must be registered with the State of New Jersey as required by law.

Consultant services contracts shall be issued in a deliberative and efficient manner that ensures that the district receives the highest quality services possible at a fair and competitive price, or through a shared services agreement. The business administrator/board secretary will ensure that all legal requirements related to bids and proposals are met in seeking consultant services. Wherever possible, the board will seek proposals from at least three sources before a contract with an independent consultant is entered.

For guidance related to avoiding excessive expenditures when producing district publications, see policy 1100 Communicating with the Public; for guidance related to avoiding excessive expenditures when using other professional services, see policy 3327 Relations with Vendors.

Consultants, whether they are temporary, part-time, or full-time workers, shall exercise no administrative authority over the work of employees of the board, but shall act only as advisers in those fields in which they are qualified to offer expert assistance. All administrative supervision of employees shall be in the hands of those to whom such responsibility has been specifically delegated.

Assistance sought from consultants may include, but will not necessarily be limited to:

- A. Conducting fact-finding studies, surveys and research;
- B. Providing counsel or services requiring special expertise;
- C. Assisting the board in developing policy and program recommendations.

Before engaging a consultant, the board may require submission of a written proposal that can be incorporated into a contract or purchase order, if it satisfies the wishes of the board or is required by law. Proposals will detail:

- A. Specific objectives to be accomplished by the consultant;
- B. Specific tasks to be performed by the consultant;
- C. Procedures to be used by the consultant in carrying out the tasks;
- D. Target dates for the consultant to complete the tasks;
- E. Method to be used by the consultant to report results and/or to deliver any "product" (e.g. long-range plan, codified policy manual, etc.) to the board;
- F. Cost of consultant's services.

The board will not contract for vague services, such as undefined "management studies," and all proposals shall be submitted to the board attorney for review before a contract is let. The chief school administrator or business administrator/board secretary will establish procedures necessary to affect an efficient working relationship between the consultant and the board and/or staff members

BOARD CONSULTANTS (continued)

Adopted: October 22, 2008  
NJSBA Review/Update: September 2015  
Readopted:

Key Words

Consultants, Consultant Proposals

**Legal References:** N.J.S.A. 18A:11-1 General and mandatory powers and duties  
N.J.S.A. 53:32-44 Business registration for providers of goods and services  
N.J.A.C. 6A:23A-5.2 Public relations and professional services

**Possible**

**Cross References:** \*1100 Communicating with the Public  
\*3320 Purchasing Procedures  
\*3327 Relations with Vendors

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

**Bylaw**

ORIENTATION AND TRAINING OF BOARD MEMBERS

Orientation of New Board Members

The chief school administrator shall prepare materials to introduce new board members to the operating procedures of the district and the details of the curriculum.

Sufficient funds shall be allocated to reimburse new board members for attending New Jersey School Boards Association (NJSBA) training in the evaluation of the chief school administrator within the first six months of taking office, and an NJSBA new board member orientation program within the first year of taking office.

Administrative code defines "newly elected or appointed board member" as any board member who has never served as a member of either an elected or appointed New Jersey school board.

Code of Ethics Training

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

Mandated Training

The board shall ensure that each newly elected or appointed board member receive training in their first year of service regarding skills and knowledge necessary to serve as a school board member. This training shall be offered by the NJSBA, in consultation with the New Jersey Association of School administrators, the New Jersey Principals and Supervisors Association, and the New Jersey Department of Education, and shall include information regarding the New Jersey Quality Single Accountability Continuum and the five key components of school district effectiveness on which the school district is monitored: instruction and program; personnel; fiscal management; operations; and governance.

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

Each board member shall, in both the second and third years of service on the board, complete the NJSBA training on school district governance.

The NJSBA advanced training program shall be completed by board members within one year of re-election or re-appointment on the board.

In-Service Development

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

ORIENTATION AND TRAINING  
OF BOARD MEMBERS (continued)

File Code: 9200

Therefore, the board recommends that, in addition to sending the mandated delegate to annual NJSBA Delegate Assemblies, the board also send representatives to such educational conferences, workshops, conventions, and seminars as it shall decide upon each year. Attendance at any given function shall be limited to the fewest number of board members or employees needed to present the content at the conclusion of the event.

The same regulations regarding travel arrangements and reimbursement developed for other district-paid attendance at such events shall apply (see bylaw 9250 Travel Expenses and Reimbursement).

The chief school administrator shall prepare a checklist for district representatives who attend such events, to aid them in preparing reports for the board and the district as a whole. The report shall be submitted to the board secretary within one week of each attendee's return.

Adopted: October 22, 2008  
NJSBA Review/Update: September 2015  
Readopted:

Key Words

Orientation and Training of Board Members, Board Member Orientation, Board Member Training

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:6-45 through -50 <u>N.J.S.A.</u> 18A:11-1 <u>N.J.S.A.</u> 18A:12-21 <u>et. seq.</u> <u>N.J.S.A.</u> 18A:12-24.1 <u>N.J.S.A.</u> 18A:12-33 <u>N.J.S.A.</u> 18A:17-20.3  <u>N.J.S.A.</u> 18A:37-13 <u>N.J.S.A.</u> 18A:54-20 <u>N.J.A.C.</u> 6A:10-8.1 <u>et seq.</u> <u>N.J.A.C.</u> 6A:28-1.2 <u>N.J.A.C.</u> 6A:28-1.6 <u>N.J.A.C.</u> 6A:28-4.1 <u>N.J.A.C.</u> 6A:32-3.2	New Jersey School Boards Association established ... General mandatory powers and duties <u>School Ethics Act</u> Code of Ethics for School Board Members Training program for new board members Evaluation of superintendents; school board training program Anti-Bullying Bill of Rights Act Powers of board (county vocational schools) Evaluation of the chief school administrator Definitions Order to show cause Board member training Requirements for the Code of Ethics for school board members and charter school board of trustee members
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Amended resolution of the School Ethics Commission (3/23/99)

**Possible**

<b><u>Cross References:</u></b>	1500 *2131 *9250 *9271	Relations Between Area, County, State, Regional, and National Associations and the District Chief School Administrator Travel Expenses and Reimbursements Code of Ethics
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\*Indicates policy is included in the Critical Policy Reference Manual.



**Bylaw**

TRAVEL EXPENSES AND REIMBURSEMENT

The members of the Montague Township Board of Education receive no payment for their services. With board approval, they may be reimbursed for out-of-pocket expenses incurred on board business.

Travel and Related Expenses

Travel reimbursement will be paid only upon compliance with the board's policy provisions and approval requirements. Board members and employees shall only be reimbursed for work-related travel that is directly related to and within the scope of the board member's and employee's current work responsibilities. Board members and employees shall only be reimbursed for travel that:

- A. Promotes the delivery of instruction and is critical to the instructional needs of the school district or furthers the efficient operation of the school district;
- B. Is educationally necessary and fiscally prudent; and
- C. Is directly related to and within the scope of the board member's current responsibilities, and for school district employees, the school district's professional development plan.

As described in this policy, school district travel expenditures include, but are not limited to, all costs for transportation, meals, lodging, and registration or conference fees to and for the travel event. School district travel expenditures include costs for all required training and all travel authorized in existing school district employee contracts and school board policies. This includes, but is not limited to, required professional development and other staff training, required training for new school board members, and attendance at specific conferences authorized in existing employee contracts.

Travel Payments

Travel payments will be paid only upon compliance with the school board's policy provisions and approval requirements. The school board will not ratify or approve payments or reimbursements for travel after completion of the travel event. All board members and employees shall adhere to the following specifications to be considered for reimbursement:

- A. Reimbursement may not exceed travel reimbursement guidelines established by the New Jersey Department of the Treasury in OMB circular 08-19 (<http://www.state.nj.us/infobank/circular/cir0819b.pdf>), including, but not limited to, the types of travel, methods of transportation, mileage allowance, meal allowance, overnight travel, and supporting documentation;
- B. Reimbursement must also be in compliance with OMB circular A-87 ([http://www.whitehouse.gov/omb/circulars/a087/a87\\_2004.html](http://www.whitehouse.gov/omb/circulars/a087/a87_2004.html)). No reimbursement will be issued without submission of written documentation such as receipts, checks, and vouchers detailing the amount of the expenditures. Such documentation must be submitted within a timeframe to be established by the board;
- C. Travel expenditures must be in compliance with travel payment guidelines as established by the New Jersey Department of the Treasury and with guidelines established by the federal Office of Management and Budget; except that those guidelines that conflict with the provisions of Title 18A of the New Jersey Statutes shall not be applicable, including, but not limited to, the authority to issue travel charge cards. All applicable restrictions and requirements set forth in the state and federal guidelines, including, but not

TRAVEL EXPENSES AND REIMBURSEMENT (continued)

File Code 9250

limited to, types of travel, methods of transportation, mileage allowance, subsistence allowance, and submission of supporting documentation including receipts, checks, or vouchers, shall be observed;

- D. Board members and employees shall provide within one week, a brief report that includes, as appropriate, but may not be limited to, a description of the primary purpose for the travel, and a summary of the goals and key issues that were addressed at the event and their relevance to improving instruction or the operation of the school district. This report will be submitted to the board secretary or other appropriate party designated by the board;
- E. Pursuant to N.J.A.C. 6A:23A-5.9 concerning out-of state and high-cost travel events, out-of-state travel shall be limited to the fewest number of board members or employees needed to present the content at the conclusion of the event. Lodging may only be provided if the event occurs on two or more consecutive days and where home-to-event commute exceeds 50 miles. Prior written approval of the executive county superintendent may be required when the travel event has a total cost that exceeds \$5000.

In addition to the requirements above, employee travel, to be reimbursable, must be directly related to the employee's professional development. No district employee shall be reimbursed for travel and related expenses without prior written approval of the chief school administrator and prior approval by a majority of the full voting membership of the board (as set forth below).

Prior Approval Is Required

Board members shall only be reimbursed for travel and related expenses that have received prior approval by a majority of the full voting membership of the board, and are in compliance with N.J.S.A. 18A:12-24 and 24.1 of the School Ethics Act.

- A. Specifically, board members must recuse themselves from voting on travel when they, a member of their immediate family, or a business organization in which they have an interest have a direct or indirect financial involvement that may reasonably be expected to impair their objectivity or independence of judgment;
- B. Also, board members shall not: act in an official capacity in any matter in which they or a member of their immediate family have a personal involvement that is of, or creates, some benefit to the school official or a member of their immediate family; or undertake any employment or service, whether compensated or not, which may reasonably be expected to prejudice their independence of judgment in the execution of their official duties;
- C. For employees, a board of education requires that travel occur only upon prior written approval of the chief school administrator and prior approval by a majority of the full voting membership of the board; and
- D. For board members, travel may occur only upon prior approval by a majority of the full voting membership of the board and when the travel is in compliance with section 4 of P.L.1991, c.393 (C.18A:12-24) and section 5 of P.L.2001, c.178 (C.18A:12-24.1).

Regular Business Travel Authorization and Approval

Regular business travel, such as NJDOE meetings and association events, is authorized by the board not to exceed \$1,500 per employee, pursuant to N.J.A.C. 6A:23A-7.3(b). Approval by the chief school administrator or designee is required, including justification for the travel. Regular business travel is authorized for regularly scheduled in-state professional development activities for which the registration fee does not exceed \$150 per employee or board member.

Travel Advances Are Banned

An employee of the school board, a school board member, or organization, shall not receive an amount for travel and travel-related expenses in advance of the travel, pursuant to N.J.S.A 18A:19-1 et seq.

Annual Maximum Travel Expenditure Amount

The board shall:

- A. Allot in its annual budget a maximum travel expenditure amount and annually review its policy to assure that it properly reflects the amount budgeted;
- B. Vote to authorize each reimbursement, specifying the way in which it promotes the delivery of instruction or furthers the efficient operation of the school district, within the maximum annual amount;
- C. Annually in the pre-budget year, establish by board resolution, a maximum travel expenditure amount for the budget year, which the school district shall not exceed in that budget year. The board resolution shall include the maximum amount established for the prebudget year and the amount spent to date;
- D. Provide that the maximum school district travel expenditure amount shall include all travel in accordance with this policy supported by local and state funds.

Additional Detailed Accounting Requirements That Demonstrate Compliance

In order to demonstrate compliance with this policy, documentation of all reimbursed travel expenses shall be maintained on file. This record may include receipts, checks, and vouchers submitted in connection with any reimbursement. The district shall maintain separate accounting for school district travel expenditures as necessary to ensure compliance with the school district's maximum travel expenditure amount. This may include, but need not be limited to, a separate or offline accounting of such expenditures or expanding the school district's accounting system. The tracking system shall be sufficient to demonstrate compliance with the board's policy and this section, and shall provide auditable information.

To minimize travel expenditures, school board members and employees will take the following steps:

- A. "Retreats" will be held at school district facilities, if available. A retreat is a meeting of school district employees and school board members, held away from the normal work environment, at which organizational goals and objectives are discussed;
- B. A school district shall not bear costs for car rentals, limousine services, and chauffeuring costs to or during the event, as well as costs for employee attendance for coordinating other attendees accommodations at the travel event;
- C. One-day trips that do not involve overnight lodging are not eligible for a subsistence payment or reimbursement except in limited circumstances authorized in Department of the Treasury guidelines;
- D. Overnight travel is eligible for a subsistence payment or reimbursement as authorized in Department of the Treasury guidelines, except as otherwise superseded by the following:
  - 1. Per diem payment or reimbursement for lodging and meals will be actual reasonable costs, not to exceed the federal per diem rates as established in the federal register for the current year;
  - 2. Lodging expenses may exceed the federal per diem rates if the hotel is the site of the convention, conference, seminar or meeting and the going rate of the hotel is in excess of the federal per diem rates. If the hotel at the site of the convention, conference, seminar, or meeting is no longer available,

TRAVEL EXPENSES AND REIMBURSEMENT (continued)

File Code 9250

- lodging may be paid for similar accommodations at a rate not to exceed the hotel rate for the event;
3. Receipts are required for hotel expenses. Meal expenses under the federal per diem allowance limits do not require receipts;
  4. In any case in which the total per diem reimbursement is greater than the federal per diem rate, except when the going rate for lodging at the site of the convention or meeting exceeds federal per diem rates, the costs will be considered to be excessive and shall not be paid by school district funds;
  5. School districts shall patronize hotels and motels that offer special rates to government employees unless alternative lodging offers greater cost benefits;
  6. Payment or reimbursement is approved for the full cost of an official convention meal that the employee or school board member attends, when the meal is scheduled as an integral part of the convention or conference proceedings. If a meal is included in the registration fee, the allowance for the meal is not eligible for reimbursement; and
  7. Air and rail tickets shall be purchased via the internet, if possible, using online travel services such as Travelocity, Expedia, Hotwire or Priceline.

Blanket or general pre-approval for travel is not authorized, and will not be permitted by the board. Specifically, approval shall be itemized by event, event total cost, and number of employees and school board members attending the event. However, a school board may also approve, at any time prior to the event, travel for multiple months, as long as the school board approval, as detailed in school board minutes, itemizes the approval by event, total cost, and number of employees and school board members attending the event.

Types of Expenditures Not Eligible for Reimbursement

Unnecessary and excessive travel expenditures as listed in N.J.A.C. 6A:23A:7.8 are prohibited. Prohibited types of expenditures include: travel by spouses and other relatives; costs for unnecessary employee attendance (for example employees who merely coordinate other attendees' accommodations at the travel event); charges for laundry, valet service and entertainment; district payment for alcoholic beverages; excessive tipping and gratuities; airfare without documentation of at least three (3) price quotes; and souvenirs. Travel expenses, subsistence expenses and incidental travel expenses shall only be allowable when consistent with N.J.A.C. 6A:23A-7.

Penalties

With this policy based on state law, the board informs its members and employees that the penalties for violating this policy include:

- A. By law, any district board of education that violates its established maximum travel expenditure, or that otherwise is not in compliance with the travel limitations set forth in this section may be subject to sanctions by the New Jersey Commissioner of Education as authorized pursuant to N.J.S.A. 18A:4-23 and N.J.S.A. 18A:4-24, including reduction of state aid in an amount equal to any excess expenditure;
- B. A person who approves any travel in violation of the school district's policy or this section shall be required to reimburse the school district in an amount equal to three times the cost associated with attending the event;
- c. An employee or member of the board of education who travels in violation of the school district's policy or this section shall be required to reimburse the school district in an amount equal to three times the cost associated with attending the event.

The chief school administrator may develop regulations to implement this policy.

Adopted: October 22, 2008  
NJSBA Review/Update: September 2015

TRAVEL EXPENSES AND REIMBURSEMENT (continued)

File Code 9250

Readopted:

Key Words

Reimbursement of Board Members, Board Member Reimbursement, Board Member Expenses, Employee Reimbursement, Employee Expenses, Reimbursement of Employees

<b><u>Legal References:</u></b> <u>N.J.S.A.</u> 18A:2-1	Power to effectuate action
<u>N.J.S.A.</u> 18A:4-23 and 24	Supervision of schools; enforcement of rules Determining efficiency of schools; report to state board
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:12-4	Compensation of members
<u>N.J.S.A.</u> 18A:12-24 and 24.1	<u>School Ethics Act</u> Code of Ethics
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.A.C.</u> 6A:23A-5.9	Out of state and high cost travel
<u>N.J.A.C.</u> 6A:23A-7.1 <u>et seq.</u>	School district travel policies and procedures
<u>P.L.</u> 2005, c.132	<u>Appropriations Act</u>
<u>P.L.</u> 2007, c. 52	A5 provides for various school district accountability measures

In the Matter of Anthony Esgro, Luis Perez, Clifford Meeks and Frank Speziali v. Glassboro Board of Education, CO7-97, March 30, 1998

**Possible**

<b><u>Cross References:</u></b>	3571	Financial Reports
	*9200	Orientation and Training of Board Members
	*9270	Conflict of Interest

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

CONFLICT OF INTEREST

The Montague Township Board of Education accepts the responsibility of governing the operation of the district in the best interests of the total community. Individual members shall subscribe to the code of ethics provided in bylaw 9271 Code of Ethics. The board as a body, and the members individually, wish at all times to avoid attitudes and actions that might give rise to public questioning of the integrity of any board decision.

Therefore, in addition to complying with all statutory requirements:

- A. No board member shall hold any form of paid employment with the district while serving on the board, nor for six months after leaving office;
- B. No board member shall have an interest, directly or indirectly, in any contract with or claim against the board;
- C. No board member shall serve as mayor or as a member of the governing body of the municipality or county of the district;
- D. All board members shall be in compliance with policy 4112.8/4212.8 Nepotism;

Prohibited Actions

In accordance with N.J.S.A. 18A:12-21 et seq. no board member shall:

- A. Have an interest, nor shall his or her immediate family have an interest, in a business organization, or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his or her duties in the public interest;
- B. Use or attempt to use his or her official position to secure unwarranted privileges, advantages, or employment for himself or herself, for members of his or her immediate family, or for others;
- C. Act in his or her official capacity in any matter in which he or she, a member of his or her immediate family, or a business organization in which he or she has an interest, has a direct or indirect financial involvement that might reasonably be expected to impair his or her objectivity or independence of judgment. No school official shall act in his or her official capacity in any matter in which he or she, or a member of his or her immediate family, has a personal involvement that is or creates some benefit to the board member or immediate family member;
- D. Undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his or her independence of judgment in the exercise of his or her official duties;
- E. 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 or her, directly or indirectly, in the discharge of his or her official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the board member has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the board member in the discharge of his or her official duties, nor shall a member of his or her immediate family, or business organization in which he or she has an interest;

- F. Use, or allow to be used, his or her public office or employment, or any information not generally available to the members of the public, which he or she receives or acquires in the course of and by reason of his or her office or employment, for the purpose of securing financial gain for himself or herself, for any member of his or her immediate family, or for any business organization with which he or she is associated;
- G. Nor shall a business organization in which he or she has an interest, represent any person or party other than the school board or school district in connection with any cause, proceeding, application, or other matter pending before the school district in which he or she serves, or in any proceeding involving the school district in which he or she serves. This provision shall not be deemed to prohibit representation within the context of official labor union or similar representational responsibilities;
- H. Be deemed in conflict with these provisions if, by reason of his or her participation in any matter required to be voted upon, no material or monetary gain accrues to him or her as a member of any business, profession, occupation, or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of that business, profession, occupation, or group;
- I. 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, given to, or accepted by the member or a member of his or her immediate family, whether directly or indirectly, in return therefor; and
- J. Be prohibited, nor shall members of his or her immediate family, from representing himself, herself, or themselves, in negotiations or proceedings concerning his, her, or their own interests.

Board Members in Conflict

Consult policy 4112.8/4212.8 Nepotism for how to proceed in light of a conflict of interest.

Adopted: October 22, 2008  
 NJSBA Review/Update: September 2015  
 Readopted:

Key Words

Conflict of Interest, Board Member Conflict of Interest, Board Member Ethics, Ethics

<b><u>Legal References:</u></b>	<p><u>N.J.S.A.</u> 18A:6-8 Interest of school officers, etc., in sale of textbooks or supplies; royalties</p> <p><u>N.J.S.A.</u> 18A:6-8.4 Right to hold elective or appointive state, county or municipal office</p> <p><u>N.J.S.A.</u> 18A:12-1.1 Ineligibility for appointment to paid office or position filled by board</p> <p><u>N.J.S.A.</u> 18A:12-2 Inconsistent interests or office prohibited</p> <p><u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u> <u>School Ethics Act</u></p> <p><u>N.J.S.A.</u> 18A:12-24 School officials; prohibited conduct</p> <p><u>N.J.S.A.</u> 52:13D-12 <u>et seq.</u> Legislative findings ... (regarding conflict of interest)</p> <p><u>N.J.A.C.</u> 6A:4-1.1 <u>et seq.</u> Appeals</p> <p><u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u> School Ethics Commission</p> <p><u>N.J.A.C.</u> 6A:32-3.2 Requirements for the Code of Ethics for school board members and charter school board of trustee members</p>
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Visotcky v. City Council of Garfield, 113 N.J. Super. 263 (App. Div. 1971)

Vittoria v. West Orange Board of Education, 122 N.J. Super. 340 (App. Div. 1973)

- Elms v. Mt. Olive Board of Education, 1977 S.L.D. 713
- Scola v. Ringwood Board of Education, 1978 S.L.D. 413
- Salerno v. Old Bridge Township Board of Education, 1984 S.L.D. (April 23)
- Scannella v. Scudillo, School Ethics Decision, Complaint No. C-14-93
- In the Matter of Frank Pannucci, 2000 S.L.D. March 1, State Board Rev'g Commissioner 97
- Sea Isle City Bd. of Educ. v. Kennedy, 196 N.J. 23 (2008)
- School Ethics Commission, Advisory Opinion, A01-93
- School Ethics Commission, Advisory Opinion, A021-93
- School Ethics Commission, Advisory Opinion, A10-93
- School Ethics Commission, Advisory Opinion, A07-94
- School Ethics Commission, Advisory Opinion, A33-95
- School Ethics Commission, Advisory Opinion, A03-98
- School Ethics Commission, Advisory Opinion, A14-00
- School Ethics Commission, Advisory Opinion, A03-13
- School Ethics Commission, Advisory Opinion, A15-13
- School Ethics Commission, Advisory Opinion, A22-13
- School Ethics Commission, Advisory Opinion, A10-14
- School Ethics Commission, Advisory Opinion, A11-14
- School Ethics Commission, Advisory Opinion, A43-14
- School Ethics Commission, Advisory Opinion, A03-15
- School Ethics Commission, Advisory Opinion, A05-15

**Possible**

**Cross References:**

*4112.8/4212.8	Nepotism
*9271	Code of Ethics

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



**Bylaw**

CODE OF ETHICS

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

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

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

Adopted: October 22, 2008  
NJSBA Review/Update: September 2015

CODE OF ETHICS (continued)

Readopted:

Key Words

Conflict of Interest, Code of Ethics, Board Member Conflict of Interest, Board Member Ethics, Ethics

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:11-1 <u>N.J.S.A.</u> 18A:12-2 <u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u> <u>See particularly:</u> <u>N.J.S.A.</u> 18A:12-24, -24.1 <u>N.J.S.A.</u> 18A:54-20 <u>N.J.A.C.</u> 6A:4-1.1 <u>et seq.</u> <u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u> <u>N.J.A.C.</u> 6A:32-3.2	General mandatory powers and duties Inconsistent interests or office prohibited <u>School Ethics Act</u>  Powers of board (county vocational schools) Appeals School Ethics Commission Requirements for the Code of Ethics for school board members and charter school board of trustee members
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**Possible**

<b><u>Cross References:</u></b>	*4112.8/4212.8 *9270	Nepotism Conflict of interest
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\*Indicates policy is included in the Critical Policy Reference Manual.

**Bylaw**

FORMULATION, ADOPTION, AND AMENDMENT OF POLICIES

The governance of the school district through policies directed toward providing a thorough and efficient education for its students is one of the most important functions of the Montague Township Board of Education. Therefore, the board shall establish a careful process to ensure:

- A. Development of clear, workable, legal policies that reflect mature consideration of the will and needs of the community, and
- B. Timely, accurate evaluation of the effectiveness of the policies in the achievement of district objectives and progress toward goals.

In order to ensure that the policy process is implemented effectively, the board appoints the chief school administrator as policy coordinator. In cooperation with the board, the policy coordinator shall establish procedures to implement this bylaw that shall include: an action plan for the careful development, review, and revision of policies; appropriate policy goal-setting; a process for evaluating district and school progress toward the achievement of policy goals; and appropriate standards of measurement and criteria for judging such progress.

These procedures shall conform in all respects to the bylaws of the board concerning agenda preparation, meeting procedures, and minutes. The procedures shall provide a means by which all interested members of the school community may submit proposals for additions and amendments to the school district policies and may contribute opinions and information for the board's consideration.

The policy coordinator shall ascertain any conflicts between proposed and existing policies and bring them to the attention of the board on presentation of draft policies for first reading. At a subsequent meeting, the proposed policies may be adopted on second reading by a majority vote of the members of the board present and voting, or may be further revised until consensus is reached.

NOTE: First reading means the first time the policy is presented, not the first time a policy is approved in its final form.

Administrative Leeway

In the interest of efficient administration, the chief school administrator shall have the power to decide all matters of detail that may arise for which no specific provision is made in board policy. However, no such emergency action shall be construed as official board policy. The chief school administrator shall present the matter at the next board meeting so the board can consider policy to deal with such situations in the future.

The board reserves to itself the right to final determination of what shall be the official policy of the school district, except that all board policy will be in keeping with New Jersey law.

Adopted: October 22, 2008  
NJSBA Review/Update: September 2015  
Readopted:

Key Words

Policy, Board Policy

FORMULATION, ADOPTION, AND  
AMENDMENT OF POLICIES (continued)

FILE CODE: 9311

<b>Legal References:</b>	<u>N.J.S.A. 10:4-6 et seq.</u>	<u>Open Public Meetings Act</u>
	<u>N.J.S.A. 18A:10-6</u>	Board meetings public; frequency; hours of commencement; adjournment, etc., for lack of quorum
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:17-20</u>	Tenured and nontenured superintendents; general powers and duties
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.S.A. 47:1A-1 et seq.</u>	Public Records; Examination and Copies ( <u>Open Public Records Act</u> )

New Jersey Department of State, Division of Archives and Records Management,  
School District Records Retention

Matawan Teachers Assn. v. Board of Education, 223 N.J. Super. 504 (App. Div.1988)

**Possible**

<b>Cross References:</b>	*2210	Administrative Leeway in Absence of Board Policy
	*9000	Role of the Board
	*9312	Formulation, Adoption, and Amendment of Bylaws
	*9313	Formulation, Adoption, and Amendment of Administrative Regulations
	*9314	Suspension of Policies, Bylaws, and Regulations
	*9322	Public and Executive Sessions
	*9323/9324	Agenda Preparation/Advance Delivery of Meeting Material
	9325	Meeting Procedures

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

**Bylaw**

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FORMULATION, ADOPTION, AND AMENDMENT OF BYLAWS

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

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

Proposed new bylaws and suggested amendments to or revisions of existing bylaws shall be adopted by a majority vote of the members of the board present and voting during the second of two regularly or specially scheduled meetings of the board. The proposed additions, amendments, or revisions shall have been described in writing in the calls for these meetings.

Adopted: October 22, 2008  
NJSBA Review/Update: September 2015  
Readopted:

Key Words

Bylaws, Board Bylaws

<b><u>Legal References:</u></b>	<u>N.J.S.A. 10:4-6 et seq.</u>	<u>Open Public Meetings Act</u>
	<u>N.J.S.A. 18A:10-6</u>	Board meetings public; frequency; hours commencement; adjournment, etc., for lack of quorum
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)

**Possible**

<b><u>Cross References:</u></b>	*9311	Formulation, Adoption, and Amendment of Policies
	*9313	Formulation, Adoption, and Amendment of Administrative Regulations
	*9314	Suspension of Policies, Bylaws, and Regulations
	*9323/9324	Agenda Preparation/Advance Delivery of Meeting Material

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

**Bylaw**

FORMULATION, ADOPTION, AND AMENDMENT OF ADMINISTRATIVE REGULATIONS

The Montague Township Board of Education delegates to the chief school administrator the function of specifying required actions and detailed procedures under which the school is operated. These rules and procedures shall constitute the administrative regulations governing the school.

All administrative regulations must be consistent with board contracts and policies, the law, rulings of the New Jersey Commissioner of Education, and rules of the New Jersey Board of Education.

When planning the development of administrative regulations for the operation of the school, the chief school administrator shall include, whenever appropriate, those employees who will be affected by such provisions.

The board will adopt administrative regulations when specific state laws require board adoption, and may do so when the chief school administrator recommends board adoption. The board reserves the right to review and cause revisions to administrative regulations should they, in the board's judgment, be inconsistent with board policy.

All administrative regulations shall be binding on all employees unless or until the board should vote to change or rescind any such regulation following presentation at a public meeting of the board.

Adopted: October 22, 2008  
NJSBA Review/Update: September 2015  
Readopted:

Key Words

Administrative Regulations, Procedures

**Legal References:** N.J.S.A. 18A: 11-1 General mandatory powers and duties  
N.J.S.A. 18A:17-20 Superintendent; general powers and duties  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 6A:10-1.2 Definitions (chief school administrator and administrative principal)  
N.J.A.C. 6A:10-8.1 et seq. Evaluation of the chief school administrator

**Possible**

**Cross References:** \*2131 Chief School Administrator  
\*2210 Administrative Leeway in Absence of Board Policy  
\*9130 Board Committees  
\*9311 Formulation, Adoption, and Amendment of Policies  
\*9312 Formulation, Adoption, and Amendment of Bylaws  
\*9314 Suspension of Policies, Bylaws, and Regulations  
\*9323/9324 Agenda Preparation/Advance Delivery of Meeting Material

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

**Bylaw**

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SUSPENSION OF POLICIES, BYLAWS, AND ADMINISTRATIVE REGULATIONS

The Montague Township Board of Education uses a careful and deliberate process to formulate, revise, and adopt its policies and bylaws. Requests for suspension of any existing policy or bylaw should receive the same careful consideration. Therefore:

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

Administrative Leeway

In the event of an emergency requiring immediate action, the chief school administrator shall have the power to waive policy or regulation in a single instance. In such cases, the chief school administrator shall report the instance to the board president immediately, and request reconsideration of the policy at the next regular meeting of the board.

Adopted: October 22, 2008  
NJSBA Review/Update: September 2015  
Readopted:

Key Words

Policy; Board Policy; Bylaws; Board Bylaws; Regulations; Administrative Regulations; Suspension of Policies; Bylaws and Regulations

**Legal References:** N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:17-20 Tenured and non-tenured superintendents; general powers and duties  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 6A:10-8.1 et seq. Evaluation of the chief school administrator  
N.J.A.C. 6A:32-2.1 Definitions (chief school administrator and administrative principal)

Matawan Teachers' Assn. v. Board of Education 223 N.J. Super 504 (App. Div. 1988)

SUSPENSION OF POLICIES, BYLAWS,  
AND ADMINISTRATIVE REGULATIONS (continued)

File Code: 9314

**Possible**

**Cross References:**

*2210	Administrative Leeway in Absence of Board Policy
*9311	Formulation, Adoption, and Amendment of Policies
*9312	Formulation, Adoption, and Amendment of Bylaws
*9313	Formulation, Adoption, and Amendment of Administrative Regulations

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



**Bylaw**

TIME, PLACE, AND NOTIFICATION OF MEETINGS

Regular meetings of the board of education shall be held on dates and at times and places determined by the board at its annual organization meeting. Special meetings shall be called by the board secretary at the request of the president or upon a petition signed by a majority of the board members, and shall commence no later than 8 p.m.

Adequate Notice

Adequate notice shall be given for all regular and special meetings. Adequate notice for regular meetings shall be in accordance with the annual notice provisions set forth below. Adequate notice for special meetings generally means written advance notice of at least 48 hours, giving the time, date, and location, and to the extent known, the agenda of the meeting. The notice must state whether formal action may or may not be taken at the meeting. The notice must be:

- A. Prominently posted in at least one public place reserved for such announcements;
- B. Communicated to at least two newspapers designated by the board because they have the greatest likelihood of informing the board's public; and
- C. Filed with the clerk of the municipality.

The board may hold an emergency meeting without providing adequate public notice if:

- A. Three-quarters of the members present vote to do so; and
- B. The meeting is required to deal with matters of such urgency and importance that delay would be likely to result in substantial harm to the public interest; and
- C. The meeting will be limited to discussion of and action on these matters; and
- D. Adequate notice of such meeting is provided as soon as possible following the calling of such meeting; and
- E. One of the following:
  - 1. Either the board could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided; or
  - 2. The need could have been foreseen in time, but the board failed to give adequate notice.

Announcement of Adequate Notice/Statement of Compliance

At the beginning of every meeting, the presiding officer must announce that adequate notice of the meeting was provided and must specify the time, place, and manner in which the notice was provided.

However, if adequate notice was not provided, the presiding officer must say so, and in addition, must state:

- A. The nature of the matter of urgency or importance for which the meeting without adequate notice was called; and

- B. The nature of the substantial harm to the public interest likely to result from a delay in holding the meeting; and
- C. That the meeting will be limited to discussion of and action on such matters of urgency and importance;
- D. The time, place, and manner in which some notice of the meeting was provided; and
- E. Either of the following:
  - 1. That the need for such meeting could not reasonably have been foreseen at a time when adequate notice could have been provided, and why this was so; or
  - 2. That such need could reasonably have been foreseen in time for adequate notice, but nevertheless such notice was not provided, and the reasons why.

Annual Notice

Annual notice of the year's regular meeting schedule must be posted publicly and sent to at least two newspapers and the municipal clerk within seven days following the annual organization meeting. This notice should contain the location of each meeting to the extent known as well as the time and date. If the schedule is revised, notice must be given within seven days of the revision.

The annual schedule serves as sufficient notice of any regularly scheduled meeting, as long as it contains the proper date and location. If most meetings are on a regularly scheduled basis, whether they are formal sessions or study sessions, the notice requirement can be largely met through the once-a-year schedule.

Both the annual schedule of meetings, any revisions to that schedule, and notices of any additional meetings must be sent to any person upon request and upon prepayment of a sum set by the board. Requests to be on the mailing list for such notices can be made on an annual basis and are renewable at each reorganization meeting.

Adjournment

The board may at any time recess or adjourn a meeting to another date, time, and/or place, specified at the time of adjournment. The adjourned meeting shall take up its business at the point in the agenda where the motion to adjourn was acted upon.

Adopted: October 22, 2008  
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 Readopted:

Key Words

Meetings; Board of Education Meetings; Time, Place, Notification of Meetings

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 10:4-6 <u>et seq.</u> <u>N.J.S.A.</u> 10:4-9.1 <u>N.J.S.A.</u> 18A:10-3 <u>N.J.S.A.</u> 18A:10-4 <u>N.J.S.A.</u> 18A:10-5 <u>N.J.S.A.</u> 18A:10-6  <u>N.J.A.C.</u> 6A:32-3.1	<u>Open Public Meetings Act</u> Electronic notice of meeting of public body; terms defined First regular meeting of board Secretary to give notice of meeting Organization meeting as business meeting Board meetings public; frequency; hours of commencement; adjournment, etc., for lack of quorum Special meetings of district boards of education
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**Possible**

**Cross References:**

\*1120

Board of Education Meetings

\*2240

Research, Evaluation, and Planning

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

**Bylaw**

PUBLIC AND EXECUTIVE SESSIONS

The Montague Township Board of Education shall officially transact all business at a legal meeting of the board in accordance with New Jersey law. All board meetings shall be open to the public, except that meetings, or portions of meetings, at which the board discusses topics legally exempt from this requirement may be conducted in executive session.

Executive Sessions

Executive sessions shall be closed to the public and press, and shall be declared so by a formal motion at a public meeting. After an executive session, board members and other persons attending the executive session shall not disclose the topics or details of discussion that took place in executive session to others.

Minutes taken at executive sessions shall remain confidential only so long as their publication would defeat the purpose of the executive session. That such a meeting will be or was held shall be recorded in the agenda and minutes of the preceding or subsequent regular meeting.

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

The board may invite staff members or others to attend executive sessions at its discretion. When public employees make statements pursuant to their official duties (in the classroom, at board meetings, and at other meetings related to educational issues affecting the district), such employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline (Garcetti v. Ceballos).

The board shall enter executive sessions to discuss the following topics:

- A. Any matter that by express provision of state or federal law or rule of court shall be rendered confidential;
- B. Any matter in which the release of information would impair a right to receive federal funds;
- C. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy, unless the individual (or all the individuals) concerned shall request in writing that the same be disclosed publicly. This includes information contained in student records, and any reports or recommendations concerning a specific individual (see policy 1120 Board of Education Meeting);
- D. Any collective bargaining agreement or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the actual negotiating sessions with representatives of employee groups;
- E. Any matter involving the purchase, lease, or acquisition of real property (land or buildings) with public funds, when it could adversely affect the public interest if discussion of such matters were disclosed;
- F. Tactics and techniques used in protecting the safety and property of the public, provided that their disclosure could impair such protection;
- G. Any investigations of violations or possible violations of law;
- H. Any pending or anticipated litigation or contract negotiations other than collective bargaining, and any

PUBLIC AND EXECUTIVE SESSIONS (continued)

matters falling within attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer;

- I. Any matter involving employment, appointment, termination, terms and conditions of employment, evaluation, promotion, or disciplining of any prospective or current public employee or officer, unless all of the individual employees whose rights could be adversely affected request in writing that the matter be discussed at a public meeting; and
- J. Any deliberations occurring after a public hearing that may result in the imposition of a specified civil penalty or loss of license to an individual.

Public Participation

Meetings of the board are open to the public and all members of the community should feel free to attend. A time for public discussion of agenda items shall be included in the order of business at an appropriate time (see bylaw 9325 Meeting Procedures).

Brief comments on any matter of interest to the district should be reserved for the time provided in the order of business. Provision may be made for the introduction by a member of the public of business not on the agenda when the matter is of such urgency or wide-ranging interest that delaying consideration of it to the next meeting would not be in the public interest. Grievances or complaints that have not previously been considered through administrative channels shall not be acted upon by the board.

Public participation shall be governed by the following rules:

- A. A participant must be recognized by the presiding officer and must preface comments by an announcement of his or her name, place of residence, and group affiliation if appropriate;
- B. Each statement made by a participant shall be limited to three minutes in duration;
- C. No participant may speak more than once on the same topic until all others who wish to speak on that topic have been heard;
- D. All statements shall be directed to the presiding officer; no participant may address or question board members individually;
- E. The presiding officer may:
  - 1. Interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;
  - 2. Request any individual to leave the meeting when that person does not observe reasonable decorum;
  - 3. 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;
  - 4. 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
  - 5. Waive these rules when necessary for the protection of privacy or the efficient administration of the Board's business.

Electronic Communication

The board sees electronic communication among its members and the administration as an efficient and convenient way to exchange information, but one that must not be misused to deliberate issues that are appropriately discussed only in public meetings.

PUBLIC AND EXECUTIVE SESSIONS (continued)

Therefore, board members and administrators shall exercise caution when communicating between and among themselves electronically, using means that include but are not limited to email, text messages, paperless board meeting tools, electronic surveying tools, and internet forums and chat rooms. Board members should understand at all times that these communications represent permanent school district records that can be subject to public disclosure. All electronic communication tools shall be used by board members in ways that are consistent with New Jersey law.

Board members shall adhere to the following practices when communicating electronically:

- A. Board members shall be aware that emails and email attachments received or prepared for use in board business are likely to be regarded as public records that may be inspected by any person upon request, unless otherwise made confidential by law. Therefore, the board shall maintain and provide access to all electronic communications pursuant to the New Jersey Open Public Records Act;
- B. Board members shall not use electronic communication tools as a substitute for deliberations at board meetings. The Open Public Meetings Act defines a “meeting” as any gathering, whether corporeal or by means of communication equipment, attended by or open to all of the members of a public body, held with the intent to discuss or act as a unit upon the specific public business of that body;
- C. When communicating electronically, board members shall conform to the same standards of judgment, propriety, and ethics as other forms of board-related communications (such as committee meetings and telephone calls);
- D. Board members shall avoid reference to confidential information about employees, students, or others in all electronic communications because of the risk of improper disclosure;
- E. Board members shall adhere to the district’s “acceptable use” policy in all electronic communications and shall refrain from sending inappropriate, profane, harassing, or abusive messages electronically (see policy 6142.10 Technology);
- F. If provided access to the district network, board members shall not reveal their passwords to others in the network or to anyone outside of it, except to the system administrator. If a board member has reason to believe a password has been lost or stolen, or that email is being accessed by someone without authorization, he or she shall notify the chief school administrator immediately.
- G. The district will avoid the appearance of using surveying tools or any other electronic communication media to conduct board discussion or to take action by exchanging opinions among a quorum of board members.

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

Adopted: October 22, 2008  
 NJSBA Review/Update: September 2015  
 Readopted:

Key Words

Board of Education Meetings, Public and Executive Sessions, Executive Sessions, Email, Electronic Communications

**Legal References:** N.J.S.A. 2C:33-8                      Disrupting meetings and processions  
N.J.S.A. 10:4-6 et seq.                      Open Public Meetings Act

PUBLIC AND EXECUTIVE SESSIONS (continued)

- N.J.S.A. 18A:10-6 Board meetings public; frequency; hours of commencement; adjournment, etc., for lack of quorum
- N.J.S.A. 18A:11-1 General mandatory powers and duties
- N.J.S.A. 18A:12-21 et seq. School Ethics Act
- N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
- N.J.S.A. 47:1A-1 et seq. Public Records; Examination and Copies (Open Public Records Act)
- N.J.A.C. 6A:30-1.1 et seq. Evaluation of the performance of school districts
- Rice v. Union City Board of Education, 143 N.J. Super 64 (1978)
- 5 U.S.C. Section 552as amended by Public Law No. 104-231,110 Stat. 3048 Freedom of Information Act
- Garcetti v. Ceballos 2006 U.S. LEXIS 4341(May 2006)

**Possible**

**Cross References:**

- \*1120 Board of Education Meetings
- \*3570 District Records and Reports
- \*6142.10 Technology
- \*9121 Duties of the Board President and Vice-President
- \*9271 Code of Ethics
- \*9323/9324 Agenda Preparation/Advance Delivery of Meeting Material
- 9325 Meeting Procedures
- \*9326 Minutes

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

**Bylaw**

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ANNUAL ORGANIZATION MEETING

The Montague Township Board of Education shall organize annually at a regular meeting held after the annual election within the timeframe required by law (any day of the first week of January for districts with an annual November election). If the annual organization meeting cannot take place within the required timeframe due to lack of a quorum or any other reason, it shall be held within three days thereafter.

Election and Terms of Officers

The annual organization meeting shall be called to order by the school business administrator/board secretary, who shall administer the oath of office to new board members and shall serve as presiding officer pro tempore until the election of a president and vice president.

The following guidelines shall apply to the election of the officers:

- A. Any member may place another member's name in nomination. A second is not required;
- B. Election for each office will be conducted by roll call vote when the nominations for that office are closed;
- C. The candidate receiving the votes of a majority of board members present and voting will be elected to office;
- D. In the event that 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;
- E. Officers shall serve for one year;
- F. An officer who refuses to perform a duty imposed upon him or her by law may be removed by a majority vote of the full board;
- G. The board shall fill a vacancy in either the office of president or vice-president by electing another member to the respective office within 30 days of the occurrence of the vacancy.

Annual Appointments

At the annual organization meeting, the board may appoint, but shall appoint before July 1 annually:

- A. Board secretary;
- B. Treasurer of school moneys;
- C. Public school accountant;
- D. Medical inspector;
- E. Psychology examiner;
- F. Delegate to New Jersey School Boards Association;
- G. Attendance officer;



H. Delegate to County School Boards Association

I. Board attorney.

J. An insurance broker of record.

The board shall also:

1. Designate one or more depositories for school funds, N.J.S.A. 18A:17-34;
2. Designate those persons authorized to sign school warrants, N.J.S.A. 18A:19-1;
3. Designate the official newspaper, N.J.S.A. 18A:22-11; 18A:39-3;
4. Designate a second newspaper for the publication of board meetings, N.J.S.A. 10:4-8;
5. Designate the day, place, and time for regular meetings of the board;
6. Approve the curriculum for all grades;
7. Determine the fee to be charged to individuals who request notice of board meetings, N.J.S.A. 10:4-19;
8. Designate a day for regular informal meetings of the board;
9. Readopt existing bylaws and policies for the board's operation and the operation of the school system;
10. Recognize the majority representative(s) of board employees, N.J.S.A. 34:13A-5.3;

Adopted: October 22, 2008

NJSBA Review/Update: September 2015

Readopted:

#### Key Words

Organizational Meeting, Election of President, Election of Vice-Presidents, Treasurer of School Moneys, Auditor, Attorney, District Physician, NJSBA Delegate

<b><u>Legal References:</u></b> <u>N.J.S.A. 10:4-6 et seq.</u>	<u>Open Public Meetings Act</u>
<u>N.J.S.A. 18A: 6-46</u>	Delegates to state conventions
<u>N.J.S.A. 18A: 10-3</u>	First regular meeting of board
<u>N.J.S.A. 18A: 10-4</u>	Secretary to give notice of meeting
<u>N.J.S.A. 18A: 10-5</u>	Organization meeting as business meeting
<u>N.J.S.A. 18A: 10-6</u>	Board meetings; frequency; hours of commencement; adjournment, etc. for lack of quorum
<u>N.J.S.A. 18A: 11-1</u>	General mandatory powers and duties
<u>N.J.S.A. 18A: 12-2</u>	Inconsistent interest or office prohibited
<u>N.J.S.A. 18A: 12-21 et seq.</u>	<u>School Ethics Act</u>
<u>See particularly</u>	
<u>N.J.S.A. 18A:12-24, -24.1</u>	
<u>N.J.S.A. 18A: 14-9</u>	Notice of Election
<u>N.J.S.A. 18A: 17-2</u>	Tenure of secretaries, etc.
<u>N.J.S.A. 18A: 17-5</u>	Appointment of a secretary, etc.
<u>N.J.S.A. 18A: 17-31</u>	Treasurer of school moneys
<u>N.J.S.A. 18A: 17-34</u>	Receipt and disposition of moneys
<u>N.J.S.A. 18A: 22-11</u>	Notice of public hearing
<u>N.J.S.A. 18A: 223-1</u>	Cancellation of license; review

ANNUAL ORGANIZATION MEETING.  
APPOINTMENTS, AND DESIGNATIONS (continued)

File Code: 9322.1

<u>N.J.S.A.</u> 18A: 23-8	Audit by Public School Accountant
<u>N.J.S.A.</u> 18A: 38-32	Attendance officers
<u>N.J.S.A.</u> 18A: 39-3	Advertising for bids to transport pupils
<u>N.J.S.A.</u> 18A: 40-1	Medical and nursing personnel
<u>N.J.S.A.</u> 18A: 46-11	Psychological and other examinations

<b><u>Cross References:</u></b>	9121	Duties of the Board President and Vice-President
	9125	Treasurer of School Moneys
	9200*	Orientation and Training of Board Members
	9271*	Code of Ethics
	9311*	Formulation, Adoption, and Amendment of Policies
	9312*	Formulation, Adoption, and Amendment of Bylaws
	9321*	Time, Place, and Notification of Meetings

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

**Bylaw**

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AGENDA PREPARATION/ADVANCE DELIVERY OF MEETING MATERIAL

The chief school administrator and the board president shall prepare the agenda for all meetings of the board in consultation with the board secretary.

Items of business suggested by any board member, staff member, or citizen of the district may be included at the discretion of the chief school administrator and board president. When appropriate, the agenda shall allow time for the remarks of citizens, staff members, or students who wish to speak briefly before the board.

The agenda shall be published pursuant to provisions of the Open Public Meetings Act (see bylaw 9321 Time, Place, and Notification of Meetings). The board shall follow the order of business set up by the agenda unless the order is altered by a majority vote of the members present and voting (see bylaw 9325 Meeting Procedures).

At a regularly scheduled meeting for which an advance agenda has been provided to the public, items of business not anticipated at the time the agenda was prepared may be discussed and acted upon if a majority of the board present and voting agrees to consider them. However, existing board policies and bylaws may not be revised or new ones adopted unless the proposals are on the written agenda.

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

NJSBA Review/Update: September 2015

Adopted:

Key Words

Board Meeting Agenda, Delivery of Meeting Materials, Board Meeting Materials, Agenda

**Legal References:** N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Crifasi v. Governing Body of the Borough of Oakland, 156 N.J. Super. 182 (App. Div. 1978)

**Possible**

**Cross References:** 1120\* Board of Education Meetings  
9311\* Formulation, Adoption, and Amendment of Policies  
9312\* Formulation, Adoption, and Amendment of Bylaws  
9321\* Time, Place, and Notification of Meetings  
9325 Meeting Procedures

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

**Bylaw**

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MEETING PROCEDURES

Parliamentary Authority

Roberts' Rules of Order, Newly Revised, shall govern the Montague Township 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 New Jersey 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 the officer's place; if neither officer 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 chief school administrator and school business administrator/board secretary shall prepare an agenda of items of business to come before the board at each meeting. The agenda shall be delivered to each board member no later than five days before the meeting and shall include such reports and supplementary materials as are appropriate and available.

The order of business shall be as follows:

Call to Order  
Roll Call  
Flag Salute  
Sunshine Law Statement  
Announcement of Executive Session (when appropriate)  
Recognition (when appropriate)  
Presentation (when appropriate)

Approval of Minutes  
CSA Report, SBA/BS Report, Board Committee Reports  
Correspondence  
Liaison Report (once per month)  
Public Session  
Committee Action Items (board members may question any resolution item, which will be separated and discussed)

Unfinished Business  
New Business  
Executive Session (if needed, with or without outcomes)  
Adjournment

Quorum

A quorum shall consist of four board members, and no official business shall be conducted in the absence of

a quorum.

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 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.

In the rare event that the number of board members who have a conflict of interest (see bylaw 9270 Conflict of Interest) make a quorum impossible, the doctrine of necessity may be invoked upon the recommendation of the board attorney (see policy 4112.8/4212.8 Nepotism).

Adopted: October 22, 2008  
Reviewed: June 24, 2015  
NJSBA Review/Update: September 2015  
Readopted:

Key Words

Closed Session, Open Session, Quorum, Robert’s Rule of Order, Parliamentary Authority, Presiding Officer, Agenda, Quorum, Doctrine of Necessity

**Legal References:** N.J.S.A. 10:4-6 et seq. Open Public Meetings Act  
N.J.S.A. 18A:10-6 Board meetings public; frequency; hours of commencement; adjournment, etc. for lack of quorum  
N.J.S.A. 18A:11-1 General and mandatory powers and duties  
N.J.S.A. 18A:12-24 Conflicts of Interest

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

**Possible**

**Cross References:** 1220\* Ad Hoc Advisory Committees  
4112.8/4212.8\* Nepotism  
9121\* Duties of the Board President and Vice-President  
9270\* Conflict of Interest  
9321\* Time, Place, and Notification of Meetings  
9322.1 Annual Organization Meeting  
9325.4\* Voting Method  
9326\* Minutes

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

**MONTAGUE TOWNSHIP BOARD OF EDUCATION**  
Montague Township, New Jersey

**FILE CODE: 9325.4**

**Monitored**  
 **Mandated**  
 **Other Reasons**

**Bylaw**

VOTING METHOD

The Montague Township Board of Education may take official actions only at regular monthly or specially called meetings at which a quorum is present. All motions shall require for adoption a majority vote of those present and voting (minimally, a majority of the quorum), except as provided by code or statute.

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

Abstentions

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

Adopted: October 22, 2008  
NJSBA Review/Update: September 2015  
Readopted:

Key Words

Voting Method, Abstentions

**Legal References:** N.J.S.A. 18A:38-8.1 Additional member on board of education to represent board of education in each sending district

Aurentz v. Little Egg Harbor Township Planning Board, 171 N.J. Super. (Law Div.1979)  
King v. Asbury Park Board of Education, 1939-49 S.L.D. 20  
Matawan Teachers' Assn. v. Board of Education, 223 N.J. Super. 504 (App. Div. 1988)  
Lincoln Park Bd. of Ed. v. Boonton Bd. of Ed., 97 N.J.A.R. 2d (EDU) \_ (May 30)  
Little Ferry Bd. of Ed. v. Ridgefield Park Bd. of Ed., 97 N.J.A.R. 2d (EDU) \_ (July 24)  
Green Twp. Bd. of Ed. v. Newton Bd. of Ed., 97 N.J.A.R. 2d (EDU) \_\_ (August 5)

**Possible**

**Cross References:**

*1120	Board of Education Meetings
*3570	District Records and Reports
*9121	Duties of the Board President and Vice-President
*9271	Code of Ethics
*9322	Public and Executive Sessions
*9323/9324	Agenda Preparation/advance Deliveryof Meeting Material
*9326	Minutes

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

**Bylaw**

MINUTES

The minutes of all meetings of the Montague Township Board of Education shall be sufficiently detailed to serve as documentation of board compliance with New Jersey statutes and administrative code.

The minutes of board meetings shall include:

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

Permanent Public Records

Minutes of public board meetings shall be signed by the board secretary and filed for reference purposes in his or her office as a permanent public record of acts of the board.

All reports requiring board action, resolutions, agreements, and other written documents shall be placed in the files of the board secretary and/or the chief school administrator as a permanent record.

A copy of the minutes of the previous board meeting shall be sent to all board members along with other agenda materials in advance of an upcoming meeting (see bylaw 9323/9324 Agenda Preparation/Advance Delivery of Meeting Material).

Minutes of Executive Sessions

The minutes of executive sessions must be made available to the public as soon as the reason for confidentiality no longer applies. When an executive session deals with more than one privileged matter, the minutes shall be prepared in such a way that each matter can be separated and disclosed in a timely manner.

Public Access to Minutes

Minutes of all regular meetings shall be available to the public for inspection within two weeks of the meeting.

The board secretary (or other person deemed to be the custodian of public records) shall permit the minutes to be inspected, examined, and copied by any person. Minutes shall be available during not less than six regular business hours over not less than three business days per week, or the board's regularly-scheduled business hours, whichever is more. The board may charge a fee for copies of the minutes as provided by law.

Official Tapes of Public Meetings

The board secretary may make video or audio recordings of public board meetings in order to assure proper documentation of occurrences and the accurate preparation or transcription of minutes. All video or audio recordings are the sole property of the board, and any individual requesting access to these materials must do so in writing five working days in advance. The video or audio recordings shall not be removed from the board office and must be played in the presence of the board secretary (or his or her designee). All video or audio recordings shall be stored in a locked cabinet located in the board office and shall be retained under the New Jersey Division of Archives and Record Management schedule for 45 days or until official transcripts or minutes are prepared and adopted, whichever is longer.

Video and Audio Recordings by Members of the Public

Any member of the public is entitled to make an audio or video recording of a board of education meeting, subject to reasonable restrictions, including that the taping will minimize intrusiveness and not interrupt the proceedings. Any person wishing to make an audio or video recording of a meeting shall provide written notice of their name, address, and telephone number, and will consent to the board, at its own expense and upon request, making a reproduction of the recording.

To protect privacy, no recording of executive sessions and no audio pick-up of private conversations occurring in the audience or between the board and its attorney shall be permitted.

Absent prior board approval, no additional artificial lighting shall be permitted. No electrical or other wiring is allowed due to the danger of entanglement and tripping. Persons making video or audio recordings of public meetings shall not move around the room while meetings are in session, and equipment, once positioned, shall not be moved during the board meeting. Unless waived by the board, no more than two portable video cameras, operated by not more than two persons, shall be allowed on a first-come, first-served basis. Following the adjournment of the board meeting, any persons responsible for recording shall immediately remove all equipment and restore the facility to the same condition it was in immediately prior to setting up the recording equipment.

All persons recording board proceedings shall hold the board harmless against all damage or injury whether to equipment, themselves, or others.

Adopted: October 22, 2008  
 NJSBA Review/Update: September 2015  
 Readopted:

Key Words

Minutes, Board Meeting Minutes, Records, District Records and Reports

<b><u>Legal References:</u></b>	<u>N.J.S.A. 10:4-6 et seq.</u>	<u>Open Public Meetings Act</u>
	<u>See particularly:</u>	
	<u>N.J.S.A. 10:4-10, -14</u>	
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:17-7</u>	Secretary to give notices and keep minutes, etc.
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.S.A. 47:1A-1 et seq.</u>	Public Records; Examination and Copies ( <u>Open Public Records Act</u> )
	<u>N.J.A.C. 6A:8-4.3</u>	Accountability
	<u>N.J.A.C. 6A:30-2.1</u>	NJQSAC



Executive Order No. 9, September 30, 1963; modified by Executive Order No. 11, November 15, 1974

Maurice River Board of Education v. Maurice River Teachers Assn., 193 N.J. Super. 488 (App. Div. 1984)

Matawan Ed. Ass'n. v. Matawan-Aberdeen Ed. Bd., 212 N.J. Super. 328

Liebeskind v. Mayor & Mun. Coun. of Bayonne, 265 N.J. Super. 389, 400-401 (App. Div. 1993)

Atlantic City Convention Center Authority v. South Jersey Publishing Co., Inc., 135 N.J. 53 (1994). Tapes made during closed government meetings are common law public records, subject to the removal of any confidential or privileged information before disclosure. "Blanket access to the tapes would not be required: rather, access could be limited to those portions of the tapes necessary to vindicate the public interest."

Robert Wayne Tarus v. Borough of Pine Hill, et al., NJ Supreme Court (A-93-2005, decided March 7, 2007). The public's right of access to governmental proceedings includes the right to videotape.

New Jersey Department of State, Division of Archives and Records Management,  
School District Records Retention Schedule

**Possible**

**Cross References:**

\*3570

District Records and Reports

\*9323/9324

Agenda Preparation/Advance Delivery of Meeting Material

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

**Bylaw**

BOARD SELF-EVALUATION

The members of the Montague Township Board of Education shall use a multifaceted self-evaluation instrument when conducting an annual self-evaluation.

The purpose of the members' annual self-evaluation shall be to determine the degree to which they are meeting their individual responsibilities as board members and the needs of the educational community.

The annual self-evaluation shall be positive, frank, and honest, and shall serve as the basis of the board's professional development improvement plan, which establishes and prioritizes goals and actions to strengthen board operations.

Adopted: October 22, 2008  
NJSBA Review/Update: September 2015  
Readopted:

Key Words

Board Self-Evaluation, Evaluation

**Legal References:** N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

**Possible**

**Cross References:** \*2131 Chief School Administrator  
\*9000 Role of the Board

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