A GUIDE TO Board of Education Meetings in New Jersey

Courtesy of New Jersey School Boards Association

www.njsba.org

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Who serves on my local board of education?

School boards are nonpartisan and their volunteer members receive no pay or benefits for their part-time service. Your local school board consists of people who live in your community and who are elected, or in some cases, appointed. They could be local business owners, parents, grandparents, retirees or your neighbors.

What is the role of the school board and the superintendent?

The school board is charged with representing the concerns of its community, monitoring the educational needs of its students, and creating policies to ensure that its district is well run. It does not operate the district's day-to-day business. That is the job of the superintendent — the district's salaried chief executive. The school board must vote on and pass items regarding policies, goals, objectives and personnel. It holds the superintendent responsible for implementing and achieving those objectives.

If I have a problem, is the school board the appropriate body to address it?

The school board should be the "court of last resort." Work up the chain of command. For instance, if you have an issue concerning a district employee, first address it with that person directly. If the matter is not resolved, then take it to their immediate supervisor, and follow up the chain of command if you are not satisfied.

Do I have an opportunity to speak at their board meeting?

State law requires that board meetings contain a public comment period. Boards are allowed to establish reasonable restrictions on the time permitted per speaker and when it will allow public comment during its meetings.

What is protocol for public participation at board meetings?

Comments are generally directed to the meeting chair, usually the school board president. Boards use the public comment period as an opportunity to listen to community concerns — not to debate issues or enter a question-and-answer session. Not all issues brought before a board will be resolved the same day.

Boards may choose to respond to public comments by seeking additional information or delegating authority to the superintendent or a designee to investigate an issue.

While public education can be an emotional issue, the school board should strive to maintain a certain level of decorum at its meeting. Many meetings are recorded, streamed online, or televised, and students often attend or participate in meetings. As such, all should maintain a tone of respect and civility. Courteous behavior is extremely important during challenging times.

How does the school board set its rules for meetings?

A local school board's parliamentary procedure is a matter of district policy. Most boards follow Robert's Rules of Order, which describes how meetings are run, how motions and votes are taken and other procedures. The school board's secretary can inform residents regarding those procedures.

Why can't the public witness what occurs during a school board closed session?

New Jersey's Open Public Meetings Act, also known as the Sunshine Law, specifies nine specific areas that can be discussed in "executive" or closed-door sessions. The fact that a report or a contemplated action may be considered controversial does not justify closing a discussion. Executive sessions must be reopened to the public and the public must be notified that the meeting has been reopened. The most common closed-door meeting exceptions include:

- PERSONNEL: Reserved for the discussion of a particular employee or employees. In addition, the affected employee/s must be given advance notice of the board's intention to discuss them and the right to request the meeting stay open to the public.
- PENDING/ANTICIPATED LITIGATION: Issues involving attorney-client privilege are to be used only when there is potential litigation.
- UNWARRANTED INVASION OF PRIVACY: Generally, when school board discussions would necessarily identify particular students, the school board is

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permitted to close the meeting to the public.

- NEGOTIATION STRATEGIES: Specifics dealing with negotiation strategies with labor unions.
- LAND PURCHASES: Only price and terms can be discussed in closed session.
- SECURITY ISSUES: Specifics that could undermine safety of students and staff, if made public.

What is the board agenda?

While school boards publicly post an annual notice describing the date and location of meetings, they are not required by law to post an agenda for each meeting. However, most do. A board is not precluded from addressing an issue that arises during a meeting and that is not listed on its agenda. Agendas must be made available for emergency, special and rescheduled meetings not part of the board's published annual meeting notice.

My school board seems to rapidly work through its agenda without much debate. Why is that?

School boards sometimes have a "workshop" or "caucus" meeting where they discuss issues in greater detail but do not vote on the items. Boards may use a committee structure, where select members — totaling less than a quorum of the board, often working with the superintendent or key administrators, study a specific issue and make recommendations to the full board for a vote. By the time the full board meets for a regular "agenda" or "business" session, where it votes on issues, agenda items usually have been vetted or studied.

What is the difference between a school board's policy and state regulations and statutes?

Statutes are laws enacted by legislators in Trenton. Usually, laws will contain broad language on an issue and will authorize an appropriate state agency (the New Jersey Department of Education in the case of school law) to write regulations, also called "administrative code," which detail how the laws will be carried out.
Public schools must adhere to state statutes and regulations. However, there are many aspects of school management that the state does not manage. Those

are covered by the local school board's policies, which are the board's rules and guidelines that detail how its district will operate.

What role does the New Jersey Department of Education play?

The New Jersey Department of Education is the primary state agency regulating public schools. The department has county offices run by "executive county superintendents," who can effectively liase between residents and the NJDOE. Under the umbrella of the NJDOE is the School Ethics Commission, which hears cases involving conflicts of interest and possible violations of the state School Ethics Act. The state commissioner of education, who is the head of the NJDOE, also responds to many cases dealing with education issues.

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NEW JERSEY OPEN PUBLIC MEETINGS ACT OF 1975/OPMA *ALSO KNOWN AS THE SUNSHINE LAW*:

- Provides residents with the right to witness in full detail all phases of government deliberation, policy formation and decision making.
- Requires public bodies to provide 48 hours public notice of all meetings, the right to attend those meetings and provide minutes following those sessions.
- Goes into effect whenever a quorum is present, whether in person, by phone, conference calls, email or other means of electronic communication. Read more about the act and technology.
- School boards are required to set aside a portion of every meeting for public comment.
- Written policies may be adopted regarding time limits and sign-in procedures.
- School boards are not required to respond to questions.
- A public body cannot prohibit public comments based on subject matter if the comments relate to any issue "that a member of the public feels may be of concern to the residents of the municipality or school district."
- Notice of an emergency meeting must include an agenda.
- Resolutions must be passed to go into executive sessions and the time when the board anticipates the minutes of the session will be made available.
- Closed-door meetings are permitted under strict guidelines.
- Votes cannot occur in executive sessions. One exception to the rule requires boards to vote to certify tenure charges in a closed session.

SOURCE: New Jersey Press Association

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NEW JERSEY OPEN PUBLIC RECORDS ACT/OPRA
PREVIOUSLY KNOWN AS THE "RIGHT TO KNOW" LAW:

- Previously known as the "Right to Know" law; provides residents with access to government records in New Jersey.
- All school board and district records, photos, data processed, video recordings, emails and communications are subject to public inspection, copying and examination under the New Jersey Open Public Records Act , with specific exceptions. Among them are: items considered in protection of public interest, attorney-client privilege, computer or building security, negotiations, court orders and ongoing investigations.
- Fees may be assessed for copies, depending on the nature of the situation.
- Immediate access ordinarily should be granted to budgets, bills, vouchers and contracts, including collective negotiations agreements and individual employment contracts, and public employee salary and overtime information.
- The district custodian of public records, typically a district business administrator or school board secretary, can require a request form to be filled out with name, address, contact information and the reason for the records.
- Records must be made "readily available," but not later than seven business days from the request if the items are not in storage or archived.
- Meetings can be recorded by the public if they do not disrupt proceedings.
- The state Government Records Council may act as a mediator to facilitate disputes.
- The Citizen's Guide to the Open Public Records Act, updated in May 2020, details the law in its entirety.

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