

Bylaw

PUBLIC AND EXECUTIVE SESSIONS

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

All meetings of the board of education shall be open to the public with the exception of those executive meetings to discuss:

- A. Any matter which 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 pupil records, and any reports or recommendations concerning a specific individual (see 1120 for "needless public labeling");
- 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, where it could adversely affect the public interest if discussion of such matters were disclosed;
- F. The tactics and techniques used in protecting the safety and property of the public, provided that their disclosure could impair such protection;
- G. Any investigations of violations or possible violations of law;
- H. Any pending or anticipated litigation or contract negotiations other than collective bargaining, and any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his/her ethical duties as a lawyer;
- I. Any matter involving employment, appointment, termination, terms and conditions of employment, evaluation, promotion or disciplining of any prospective or current public employee or officer unless all the individual employees whose rights could be adversely affected request in writing that the matter be discussed at a public meeting;
- 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.

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

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

PUBLIC AND EXECUTIVE SESSIONS (continued)

When public employees make statements pursuant to their official duties: in the classroom, at board meetings, and at other meetings related to educational issues affecting the district, the employees are not speaking as citizens for [First Amendment](#) purposes, and the Constitution does not insulate their communications from employer discipline (*Garcetti v. Ceballos*).

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.

Public Participation

Meetings of the board are open to the public and all members of the community should feel free to attend.

The Board of Education recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters of community interest. In order to permit the fair and orderly expression of such comment, the Board shall provide a period for public comment at every public meeting.

Grievances or complaints that have not previously been considered through administrative channels shall not be considered by the board. The Superintendent/Principal shall establish procedures for handling student and staff grievances or complaints. Every attempt shall be made to settle complaints and grievances at the Superintendent/Principal level. At times, it may become necessary for a member of the Haworth Teacher Association to bring his/her grievance before the Board of Education because resolution at the lower level had not been to the grievant's satisfaction. The Board of Education shall attempt to adjudicate the proceedings and resolve the matter.

Board members shall decide by majority vote if they choose to utilize e-mail as a way to communicate with one another. If the vote is in the affirmative, the district shall assure that all board members have appropriate access to computers.

Electronic Communication among Board Members

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

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

PUBLIC AND EXECUTIVE SESSIONS (continued)

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

Other Topics to be Discussed at Board Meetings

The Board at a public meeting shall discuss the annual budget and the recommendations of the district auditor. Other topics to be discussed shall include: student attendance patterns, mandated inservice programs, drop-out statistics and other demographic data.

Adopted: January 29, 2002
 Readopted: June 26, 2007
 NJSBA Review/Update: September 2009
 Readopted: November 2009

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
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:32-12.1 Reporting requirements

Rice v. Union City Board of Education, 143 N.J. Super 64 (1978)

5 U.S.C. Section 552 as 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 Election and duties of president
 *9271 Code of ethics
 *9323/9324 Agenda preparation/advance delivery of meeting material
 *9326 Minutes

*Indicates policy is included in the Critical Policy Reference Manual