

**BERNARDS TOWNSHIP BOARD OF EDUCATION
POLICY COMMITTEE MEETING**

**Monday, September 11, 2023
9:00 a.m.
Board Office Conference Room**

Nick Markarian, Nimish Amin, Robin McKeon, Keith Molinari, Tim Salmon

AGENDA

I. Discussion

1. P 8210 – School Year Calendar

According to our policy the board has to approve the '26-'27 calendar by December. Last spring, the board had discussed and recommended adding Eid as a holiday on the calendar. Mr. Markarian will draft a '26-'27 calendar for board review and first reading in October. He will add language to the calendar policy to include the Eid as a district holiday when it falls on a school day and will also adjust the language in the calendar policy to reflect the flexibility of how the district has been handling snow days the past several years.

2. P 1642.01 Sick Leave (New) and R 1642.01 – Sick Leave (New)

The state has expanded the definition of sick leave days. Staff members can now use sick days if someone in their family is sick and for other specific situations. Our district already has family illness days in BTEA contract, so staff members would use those days first if they are dealing with a sick family member, but the state's new law allows them to use sick days for some other specific circumstances. The new policy and regulation will have language to require advanced notice if it is a foreseeable situation. If it is not a foreseeable situation, the staff member must notify the district as soon as they are able to. This policy and regulation will be ready for first reading in October

3. P 8310 – Public Records

Several board members had questions about how OPRA requests work and what the district can charge members of the public for an OPRA request. Mr. Markarian explained that there have been a lot more OPRA requests recently and many of them are more complicated than simply a request for a specific document. The district can charge for time if the request will take a lot of time from our district staff but can not charge for any legal services we use when filling the request. Several board members have requested that the board be notified if there are OPRA requests involving emails sent to or from board members.

4. **P 0169 – Board Member Use of Electronic Communications/Email/Social Media**

This policy was discussed at last month's board meeting, where our board attorney Mr. Giacobbe suggested that we look at the language in this policy. We had just revised this policy and approved it in May in an attempt to get all board members to agree with the policy and to abide by it. In particular, some board members felt that they wanted to be able to respond to members of the public. However, Mr. Giacobbe expressed concerns with the language we had added, in particular the section on how board members should respond to messages sent to them individually or on personal accounts and the part about consequences when a member is not following the policy. He also said that board members should not respond to messages about district business-he explained that this is to protect the board members and the district. He explained that as the chief school administrator **the superintendent must be aware of all district business and should always be included.** Mr. Giacobbe suggested going back to the simpler version of the policy like we used to have. He stressed that board members should **never** be responding to messages about any board business on any BOE, personal or private accounts (email, text, social media). He also stressed that **all** emails about district business, all complaints, and all requests for information sent to board members (whether to the full board or to individual members) should be referred to the superintendent; he is the Chief School Administrator and the Chief Information Officer (**see language from Policy 0146 below**). Individual board members should not make substantive responses to people. The superintendent or designee will respond and will use their discretion in keeping the full board apprised of their responses to members of the public who have contacted the board or requested information. Mr. Giacobbe stated that all concerns must be referred through the chain of command as per **item 10 of the code of ethics (see language in excerpt from P0142 below)**. He also modified the language in the section about what consequences there can be if a board member continually violates the policy. If board members do not abide by the policy, they could be removed from a committee by a vote by two thirds of the board. In addition, the committee requested that Mr. Giacobbe speak immediately with any board members who are not abiding by this policy. Mr. Giacobbe will assist in making proposed language changes to the policy/regulation.

P 0142 – Board Member Qualifications, Prohibited Acts and Code Of Ethics (M)

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

1. Uphold and enforce all laws, rules and regulations of the State Board of Education and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.
2. Make decisions in terms of the educational welfare of children and seek to develop and maintain public schools that meet the individual needs of all children regardless of their ability, race, creed, sex, or social standing.
3. Confine his/her Board action to policy making, planning and appraisal, and help to

frame policies and plans only after the Board has consulted those who will be affected by them.

4. Carry out his/her responsibility not to administer the schools, but together with fellow Board members, ensure they are well run.
5. Recognize that authority rests with the Board of Education and make no personal promises nor take any private action that may compromise the Board.
6. Refuse to surrender his/her independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.
7. Hold confidential all matters pertaining to the schools, which, if disclosed, would needlessly injure individuals, or the schools. In all other matters, he/she will provide accurate information and, in concert with fellow Board members, interpret to the staff the aspirations of the community for its school.
8. Vote to appoint the best-qualified personnel available after consideration of the recommendation of the chief administrative officer.
9. Support and protect school personnel in proper performance of their duties.
- 10. Refer all complaints to the chief administrative officer and act on the complaints at public meetings only after failure of an administrative solution.**

5. P 0146 – Board Member Authority

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

6. P 0155 – Board Committees

At last month's board meeting, the board discussed the confusion about how to manage the 4th spot on the 3 person committees. The committee agreed that it should be a rotation of those interested board members and the designated alternate should be only be given priority when someone cannot attend. The 4 person committees have an official designated alternate for when a member cannot attend, however when that alternate is not available, then other board members may fill the spot. The committee chair is responsible for keeping track of the rotation of board members and lining up alternates. Matt explained that for our current committee system, a standing member can't be forced out of their spot on a committee to accommodate another BOE member who wants to attend a committee meeting - though someone could volunteer to give up their seat for a meeting. Some board members feel that it is important to try to have 4 members at all committee meetings, even for those committees that only have 3

permanent members. The policy committee recommended that in January, all committees, regardless of whether they have 3 or 4 permanent members, use a rotation system for the open spots, instead of having an official alternate. This should reduce confusion. Mr. Markarian will draft new language for this policy so that the board can have it in place before committees are formed in January.

II. First Reading

7. P 9181 – Volunteer Athletic Coaches And Co-Curricular Activity Advisors/Assistants (Revised)

Mr. Markarian explained that language was added to make this policy consistent with the new language in the policy for paid employees who need to communicate with students

8. P 2419 – School Threat Assessment Teams (M) (New) and R 2419 – School Threat Assessment Teams (M) (New)

The state now requires that districts have a policy for handling a threat assessment investigation. Our district already had threat assessment teams in place so this policy basically codifies what the team does and the process they must follow.