

AGENDA - REGULAR PUBLIC MEETING

MAY 23, 2016

1. Call to Order
2. Salute to the Flag
3. **Fire Emergency Announcement:** In accordance with N.J.A.C. 5:70-3.1, please note that the fire/emergency exit is located to the left as you face the stage in the Lynch Gym. If that exit is blocked, proceed to the rear of the gym and exit the three doors turning left, and proceed to the main entrance.
4. Roll Call
5. Presiding Officer's Meeting Notice Statement
6. Acknowledge the 3rd Quarter High Honor students, CDW All-North Jersey Junior High School Orchestra student and the CDW New Jersey Region One Intermediate Honors Band student in the Lynch Gym at 8:00 p.m.
7. Public Hearing on Meeting Agenda
8. President's Report/Correspondence
9. Superintendent's Report
10. Board Secretary's Report
11. Committee Reports
12. Board Discussion and Formal Action on Agenda Business
 - Board Operations
 - Human Resources
 - Student Development
 - Physical Resources
 - Finance & Budget
13. Public Hearing on Other Than Meeting Agenda
14. Unfinished Business
15. New Business
16. Adjournment

Please Note: It may be necessary, from time to time, to remove or make changes in a motion(s) between the time this agenda is prepared and when the Board takes action. This will be accomplished by a removal or change in the motion and noted on the Errata and Change sheet, or will be announced by the Board President at the start of the meeting.

I. BOARD OPERATIONS/POLICY
Ms. Melissa Del Rosso

MAY 23, 2016

Any Board member who takes exception to any of the following listed actions under the category of Board Operations/Policy may so indicate now and a separate motion for each of the excepted actions will be entertained.

Motion made by _____, seconded by _____, that the following Board Operations/Policy actions of the Board, as recommended by the Superintendent, number 160 through 167 be approved.

Roll Call:

160. that the Board approve and adopt the following schedule listed below:

The Board resolves to meet, in executive (Non-Public) session, on the dates and for the purposes listed on the schedule. The minutes of these sessions will be disclosed to the public when the need for confidentiality no longer exists. Formal action may be taken by the Board at any public meeting, including Work Sessions.

Date	Time	Location	Type	Agenda
5/23/2016	6:45 p.m.	Conference Rm.	E.S.	Personnel/Legal
	8:00 p.m.	CDW Lynch Gym	P.M.	Acknowledgements
	Immediately Following	Conference Rm.	P.M.	Regular Business
6/13/2016	7:00 p.m.	Conference Rm.	E.S.	Personnel/Legal
	8:00 p.m.		P.M.	Regular Business
6/27/2016	7:00 p.m.	Conference Rm.	E.S.	Personnel/Legal
	8:00 p.m.		P.M.	Regular Business

161. that the Board approve the minutes and attachments of the May 9, 2016 Regular Public Meeting and Executive Session I. **(attached)**

162. that the Board affirm the Superintendent’s decision pertaining to HIB Investigation HIB2015-16 #1.

163. that the Board approve the 2nd reading of the following revised Policies and ByLaw: **(attached)**

4112.8 Policy	Nepotism – Certified Staff
4212.8 Policy	Nepotism – Non-Certified Staff
9273 ByLaw	Nepotism – Board Members

164. that the Board approve the 1st reading of the following revised Policies: **(attached)**

5120	Assessment of Individual Needs
5131	Conduct/Discipline
5131.2	Harassment, Intimidation and Bullying
6142.12	Career Education
6147.1	Evaluation of Individual Student Performance
6171.4	Special Education

165. that the Board approve the re-adoption of the following existing Policies: **(attached)**

2224.1	Sexual Harassment
3327	Relations With Vendors
4213/4214	Assignment: Transfer – Non-Certified Staff
5111	Admission
5134	Pregnant Students
5145.6	Student Grievance Procedure
6140	Curriculum Adoption
6141.2	Recognition of Religious Beliefs and Customs
6142.10	Telecommunications/Technology
6147	Standards of Proficiency
6151.2	Class Composition
6156	Instructional Planning/Scheduling
6161.1	Guidelines for Evaluation and Selection of Instructional Materials
6163.1	Media Center/Library
6164.4	Child Study Team
6171.1	Remedial Instruction

166. that the Board approve the following resolution:

WHEREAS,	the Old Tappan Board of Education recognizes that a strong band program is “instrumental” in building children’s self- esteem and confidence, along with developing social skills; and
WHEREAS,	over 100 violinists auditioned at Clifton High School on February 6, 2016 for the North Jersey School Music Association, and only 48 violinists were accepted, with student Justin Lee , Grade 8, being picked for the All-North Jersey Junior High School Orchestra, comprised of the best 7 th , 8 th and 9 th grade students from seven Northern NJ counties; and
WHEREAS,	Justin Lee performed in the All-North Jersey Junior High School Orchestra Concert at Passaic High School in Passaic, New Jersey, on March 13, 2016, after only five rehearsals; now, therefore be it
RESOLVED,	that the Old Tappan Board of Education wishes to recognize and congratulate Nick Rosolanko, Instrumental Band/Music Teacher, and Justin Lee, for their hard work and their dedication and passion to music.

167. that the Board approve the following resolution:

WHEREAS,	the Old Tappan Board of Education recognizes that a strong band program is “instrumental” in building children’s self-esteem and confidence, along with developing social skills and
WHEREAS,	over 50 clarinetists auditioned at Clifton High School on February 6, 2016 for the North Jersey School Music Association, and only 21 clarinetists were accepted, with student Andrea Lim , Grade 8, being picked for the New Jersey Region One Intermediate Honors Band, comprised of the best 7 th , 8 th and 9 th grade students from seven Northern NJ counties; and
WHEREAS,	Andrea Lim performed in the All-North Jersey Junior High School Band Concert at Passaic High School in Passaic, New Jersey, on March 13, 2016, after only five rehearsals; now, therefore be it
RESOLVED,	that the Old Tappan Board of Education wishes to recognize and congratulate Nick Rosolanko, Instrumental Band/Music Teacher, and Andrea Lim, for their hard work and their dedication and passion to music.

II. HUMAN RESOURCES
Mr. John Shahdanian

MAY 23, 2016

Any Board member who takes exception to any of the following listed actions under the category of Human Resources may so indicate now and a separate motion for each of the excepted actions will be entertained.

Motion made by _____, seconded by _____, that the following Human Resource actions of the Board, as recommended by the Superintendent, number 144 through 151 be approved.

Roll Call:

144. that the Board rescind Resolution #142 (approved 5/9/2016) and approve the following non-tenured Professional Staff members to be offered a contract for the 2016-2017 school year:

Name	School	Position	Level/Step 2015/2016	Level/Step 2016/2017
Gulko, Aaron	CDW	Teacher	MA Step 4	MA Step 4
Johnson, Daniel	CDW	Teacher	MA Step 2	MA Step 3
Maida, Angela	TBD	Teacher	BA Step 4	BA Step 5
O'Neill, Justin	CDW	Principal	N/A	N/A
Papraniku, Liridona	CDW	Teacher	BA Step 1	BA Step 2
Sullivan, Dr. Laura	District	Supervisor of Inst. For Curr. And Ed. Instruct.	N/A	N/A
Swerdloff, Jessica	CDW	Teacher	MA+30 Step 7	MA+30 Step 8
Vollmin, Lauren	District	Speech	MA Step 2	MA Step 3

145. that the Board approve Krista Flinn, as an Interim Part-Time Accounts Payable Clerk, 5/24/2016 through 6/30/2016.

146. that the Board approve Krista Flinn, as the Part-Time Accounts Payable Clerk, effective 7/1/2016 through 6/30/2017.

147. that the Board approve the following course approval:

Teacher	Course	Credits	Type	School	Dates
Lauriello, Jennifer	Brain-Based Teaching & Learning EDIN-560	3	Abbreviated	College of New Jersey Regional Training Center	June 27, 2016 – June 30, 2016

148. that the Board approve Tammy Weis as an aide for student #421 in their Region III summer program at a rate of \$15/hour for the period 7/5/2016 - 7/29/2016 (not to exceed 4 hours a day).

149. that the Board approve Diana Wollerman as an aide for student #441 in their Region III summer program at a rate of \$15/hour for the period 7/5/2016 - 7/29/2016 (not to exceed 4 hours a day).

150. that the Board appoint Fredericka Shpetner as the Interim Supervisor of Instruction for Pupil Support Services (Part-Time), for the period July 1, 2016 through June 30, 2017.

II. HUMAN RESOURCES**(Cont'd)****MAY 23, 2016**

151. that the Board ratify the appointment of the following teacher aide (no health benefits) for the 2015-2016 school year:

Grade	Type	Time	Name of Aide	Hourly Rate
1	In-District	5.75 hours/day plus a 45 minute unpaid lunch	McGovern, Cassandra	\$15.00

III. STUDENT DEVELOPMENT
Mr. John Shahdanian

MAY 23, 2016

Any Board member who takes exception to any of the following listed actions under the category of Student Development may so indicate now and a separate motion for each of the excepted actions will be entertained.

Motion made by _____, seconded by _____, that the following Student Development actions of the Board, as recommended by the Superintendent, number 18 through 18 be approved.

Roll Call:

18. that the Board approve the early dismissal of the Eighth Grade on Friday, June 17, 2016.

IV. PHYSICAL RESOURCES
Ms. Nicole Gray

MAY 23, 2016

Any Board member who takes exception to any of the following listed actions under the category of Physical Resources may so indicate now and a separate motion for each of the excepted actions will be entertained.

Motion made by _____, seconded by _____, that the following Physical Resources actions of the Board, as recommended by the Superintendent, number 42 through 43 be approved.

Roll Call:

- 42. that the Board approve the facilities request from the OTEA, in conjunction with the Old Tappan PTO, to hold a “Kids’ Night Out” event at the CDW Middle School on Thursday, June 16, 2016, from 6:00pm to 8:30pm.
- 43. that the Board approve the following change order for the Charles DeWolf Middle School’s Boiler Replacement Project:

Change Order #	Reason	Cost
GC-01	Additional cost to paint the floor of the boiler room at the Charles DeWolf Middle School.	\$5,092.50

Note: These change orders will be deducted from the project’s \$30,000 Allowance

V. FINANCE & BUDGET
Mr. Kurt Linder

MAY 23, 2016

Any Board member who takes exception to any of the following listed actions under the Category of Finance & Budget may so indicate now and a separate motion for each of the excepted actions will be entertained.

Motion made by _____, seconded by _____, that the following Finance & Budget actions of the Board, as recommended by the Superintendent, number 161 through 173 be approved.

Roll Call:

- 161. that the Board approve payment of the following vendor bill list (as detailed in the list attached to the agenda of this meeting), including adjustments to previously approved bill payments. The School Business Administrator/ Board Secretary is authorized to release the warrants for payments of **Supplemental Accounts Payable** bills that required payment between the May 9, 2016 and May 23, 2016 Old Tappan Board of Education meetings, in the amount of **\$5,261.57** for the current expense. **(attached)**
- 162. that the Board approve payment of the following vendor bill list (as detailed in the list attached to the agenda of this meeting), including adjustments to previously approved bill payments. The School Business Administrator/ Board Secretary is authorized to release the warrants for payments of **additional May, 2016** bills in the amount of **\$137,538.55** for the current expense. **(attached)**
- 163. that the Board approve payment of the payroll (as detailed in the payroll summary report). The School Business Administrator/Board Secretary is authorized to release the warrant of the payroll of **\$899,291.31** for the month of **May, 2016**.
- 164. that the Board approve the **April, 2016** Transfers. **(attached)**
- 165. that the Board approve the following resolution:

Pursuant to N.J.A.C. 6:20-2.13(d), the Board Secretary certifies for the month of **April, 2016** no budgetary line item account has obligations and payments (contractual orders) which in total exceed the amount appropriated by the district board of education in the 2015-2016 School District Budget pursuant to N.J.S.A. 18A:22-8 and 18A:22-8-1. **(see Account Totals Report)**

Douglas Barrett
Board Secretary

Date

- 166. that the Board approve the **April, 2016** Custodian of School Monies Report and Board Secretary's Report. **(attached)**

167. that the Board approve the following resolution:

Resolved, that the Old Tappan Board of Education pursuant to N.J.A.C. 6A:23-2.11 certified for the month of **April, 2016** (after review of the Board Secretary's and Treasurer's monthly financial reports) to the best of our knowledge no major account or fund has been overexpended in violation of N.J.A.C. 6A:23-2.11, and that we believe as of this date sufficient funds are available to meet the district's financial obligations for the remainder of the fiscal year.

168. that the Board approve the one year renewal with Horizon for medical (0% increase) and prescription (13.26% increase for Traditional and POS) at a composite premium increase of 2.86% for the 2016-2017 school year.

169. that the Board approve the renewal with Horizon/Public Employer Trust as the dental insurance carrier with a 4% premium increase for the 2016-2017 school year and a 0% increase for the 2017-2018 school year.

170. that the Board approve the renewal with Frontline Technologies (AESOP Placement), 1400 Atwater Drive, Malvern, PA, to provide substitute calling services for the 2016-2017 school year in the amount of \$3,213.20.

171. that the Board hereby resolves not to apply for the NCLB Title I Part A Funds allocated for the Fiscal Year 2017.

172. that the Board authorize Douglas Barrett, School Business Administrator/Board Secretary, to approve payment for the following bills:

Conexis
Direct Energy
Horizon Blue Cross and Blue Shield
Verizon Wireless

EXPLANATION: As the next scheduled Board Meeting is June 13, 2016, there are certain bills that must be paid to avoid penalty or disruption of essential services.

173. that the Board approve the following resolution regarding the Charles DeWolf Middle School Security Vestibule and Interior Renovations Project: **(attached)**

WHEREAS,	the Old Tappan Board of Education (“the Board”) advertised for bids for the Charles DeWolf Middle School Security Vestibule and Interior Renovations (“the Project”); and
WHEREAS,	on May 19, 2016, the Board received five (5) bids for the Project, as reflected on the attached bid tabulation sheet prepared by Di Cara Rubino Architects; and
WHEREAS,	the lowest responsible bid was submitted by Stone Creek, Inc. (hereinafter referred to as “Stone Creek”) with a base bid in the amount of \$218,770, in addition to Alternate No. 1, in the amount of \$6,460, for a total contract sum of \$225,230; and
WHEREAS,	the bid submitted by Stone Creek is responsive in all material respects, and it is the Board’s desire to award the contract for the Project to Stone Creek; now, therefore, be it
RESOLVED,	that the Board hereby awards the bid for the Charles DeWolf Middle School Security Vestibule and Interior Renovations Project at the to Stone Creek, for a total contract sum of \$225,230; be it further
RESOLVED,	that this award is expressly conditioned upon the contractor furnishing the requisite insurance certificate and labor and materials/ performance bond as required in the project specifications, together with an AA201-Project Manning Report, an executed A-101-Standard Form of Agreement Between Owner and Contractor, A-201-General Conditions of the Contract for Construction, as prepared by the Board Attorney, within 10 days of the date hereof; be it further
RESOLVED,	that the Board Attorney is hereby directed to draft the agreement with the successful bidder consistent with this Resolution and with the terms contained in the bid documents approved by the Board for the Project. The Board President and the Board Secretary are hereby authorized to execute such agreement and any other documents necessary to effectuate the terms of this Resolution.

RESOLUTION

WHEREAS, Chapter 231 of the Public Laws of 1975 known as the "Open Public Meetings Act" and also known as the "Sunshine Law" permits the holding of a private meeting to which the public is not invited for the purpose of permitting the discussion of various exempted matters after the adoption of a Resolution setting forth the general nature of the subject matter to be discussed, and as precisely as possible, the time when the circumstances under which the discussion conducted in the closed session can be disclosed to the public.

NOW, THEREFORE, BE IT RESOLVED that the Old Tappan Board of Education convene at the time and place hereinafter set forth for a private executive session to which the public is not invited to discuss the following general subject matters:

1. Matters which are confidential by federal law, state statute or rule of court.
2. Matters in which the release of information would impair a right to receive United States Government funds.
3. Matters which would constitute an unwarranted invasion of individual privacy.
4. Matters involving any collective bargaining agreement, the terms and conditions proposed for inclusion and the negotiation of same.
5. Matters involving the purchase, lease or acquisition of property with public funds, the setting of banking rates or investment of public funds where the public's interest could be adversely affected.
6. Matters involving tactics and techniques used for protecting the safety and property of the public, as well as investigations of violations or possible violations of the law.
7. Any pending or anticipated litigation or contract negotiations, other than collective negotiations, in which the public body is or may become a party.
8. Matters falling within the attorney/client privilege.
9. Matters relating to personnel involving employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body.
10. Matters involving the quasi-judicial deliberations of a public body that may result in the imposition of a specific civil penalty or the suspension or loss of a license or permit as a result of an act or omission for which the party bears responsibility.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Old Tappan Board of Education will disclose to the public the minutes of this session when the need for confidentiality no longer exists.

BE IT FURTHER RESOLVED that the private executive session aforementioned takes place in the Conference Room at the Charles DeWolf Middle School forthwith.

Motion to move into Executive Session at _____ p.m.

Moved by _____ 2nd by _____

Meeting Adjourned _____

NEPOTISM – CERTIFIED STAFF

Definitions

For the purpose of this policy the following definitions shall apply:

“Nepotism” shall be defined as the showing of favoritism to an employee or candidate for employment based on the existence of a “conflicted relationship” with a Board member or Superintendent.

“Conflicted relationship” includes but is not limited to an immediate family member, a relative, and any other relationship that create a justifiable impression that the public trust may be violated.

“Conflicted Board member/administrator” shall mean any Board member or administrator with a conflict of interest, regardless of the source of conflict as identified in the definitions below.

“Relative” shall be defined as an individual’s spouse, civil union partner, domestic partner, or the parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother or half-sister, of the individual or of the individual’s spouse, civil union partner or domestic partner, whether the relative is related to the individual or the individual’s spouse, civil union partner or domestic partner, by blood, marriage or adoption.

“Immediate family” shall be defined as Board member or school administrator, their spouse, civil union partner, domestic partner, child, parent or sibling residing in the same household, whether related by blood, marriage or adoption.

“Other” when describing relationships between individuals and Board members or the Superintendent includes but is not limited to in-law, cousin, cohabitating partner, and step daughter-in-law and any other personal or professional relationship that creates the justifiable impression that the public trust is being violated.

The Board of Education, in order to avoid both the reality and the appearance of conflict of interest in employment, will not appoint a relative a school official (defined as a Board member, Superintendent or other administrator), or of any other paid employee of the Board to any employment position in this District, and directs that the Superintendent not place in nomination for any position any person who is a relative of a Board member or administrator or any other paid employee of the District. This restriction does not apply to substitute staff or seasonal employees who are relatives of any administrator (excluding the Superintendent) or other paid employees. No person shall be considered for employment in any position in which he/she would come under the direct or indirect supervision of any member of his/her family or where he/she would directly or indirectly supervise any member of his/her family. (See policy 9273 Nepotism for specifics on Board members.)

Per Diem substitutes and student employees are excluded from the provisions of this policy.

Exceptions Regarding Employment

Persons who are employees of the Board on the date that this policy becomes effective shall not be discharged because of this policy, nor shall they be denied reemployment in succeeding

NEPOTISM – CERTIFIED STAFF (continued)**Exceptions Regarding Employment (continued)**

years because of it. However, if any person who is a relative of a Board member or an administrator resigns or is not reemployed for other reasons (except reduction in force), this policy would deny reemployment for such period as the individual has such a family relationship.

No one shall be released from present employment in the District because of a conflicting relationship who has been regularly employed by the Board prior to the inception of the relationship, the adoption of this policy or a school official's election or appointment.

A school official who has such relationship with any employee of the District as of the effective date of this policy shall declare such relationship immediately. A Board member shall not participate in any discussion or vote on any action of the Board which will directly affect a relative.

The District may seek approval from the Executive County Superintendent to promote an existing employee who is a relative of a school official when such a promotion is justified by the needs of the District to ensure the implementation of the Core Curriculum Content Standards, if the District can demonstrate that the existing employee is the most qualified candidate for the position after full advertising and interviewing has occurred.

A school official who has a conflicted relationship with any employee of the District or an employee in another out-of-District similar statewide union as of the effective date of this policy shall declare such relationship to the Board immediately.

Participation in Employment Related Matters

Conflicted Board members may not participate in employment matters concerning the Superintendent, principal or any administrator or supervisor(s) in the chain of command between the employee and Superintendent.

Prohibited activities for conflicted Board members include hiring of the selection agency, criteria, job description, voting to advertise for applicants, search committee, vote to hire and any evaluation and contract discussion post-hire.

Conflicted Board members may not be present in closed session when discussions regarding the administrators take place and should not be privy to executive session materials until such time as the minutes are made available to the general public

Board Member/Superintendent Participation in Negotiations**A. In-District Bargaining Units**

When a Board member or school administrator is in a conflicted relationship which prohibits participation in collective negotiations, that Board member or school administrator shall not participate in any way in negotiations. This includes, but is not limited to, setting negotiation parameters, being a member of the negotiating team, receiving negotiations updates, voting on the proposed agreement and post-contract participation in grievances. Nor shall that Board member or school administrator be present with the Board in closed session when negotiation strategies are being discussed. A school administrator may provide technical information that is necessary to the collective bargaining process when no one else can provide that information.

NEPOTISM – CERTIFIED STAFF (continued)**Board Member/Superintendent Participation in Negotiations****A. In-District Bargaining Units** (continued)

Board members or the Superintendent are similarly precluded from participation in negotiations with any bargaining unit whose members have supervisory authority over a family member or other conflicted connection.

B. Out-of-District Similar Statewide Bargaining Units

When a Board member or school administrator is in a conflicted relationship with an individual who is a member of an out-of-District similar statewide union with which the Board is negotiating, that Board member or school administrator shall not participate in any way in negotiations. This includes, but is not limited to: being a member of the negotiating team, and receiving confidential negotiations information updates prior to the Board's attaining a tentative memorandum of agreement with the bargaining unit, including salary guides and/or the total compensation package.

Once such tentative memorandum of agreement is established, including salary guides and/or the total package of money to be offered, the Board member or school administrator may fully participate in the process, including Board member voting, absent other conflicts. Prior to that time, the Board member or school administrator shall not be present with the Board in closed session when negotiation strategies are being discussed. However, a school administrator may provide technical information that is necessary to the collective bargaining process when no one else in the District can provide that information.

In situations where a Board member **or Administrator** who has a relative who is a member of an out-of-district similar state-wide union with which the Board is negotiating will not violate the State Ethics Act per se, if he/she participates in negotiations or votes on the contract with the local education affiliate. The Board member's **or Administrator's** participation should be determined by the level of involvement, leadership and/or negotiation status his relative has in the union, and/or the concurrence of the two unions' negotiations. If a Board member is employed in an administrative capacity in another district, that Board member may be able to participate in teacher negotiations if there is no connection between the administrative and teachers union in the district where he/she is employed. The Board should consult the Board attorney and review applicable School Ethics Committee decisions when such situations arise

Doctrine of Necessity

When a quorum of the Board has conflicted interests, the doctrine of necessity may be invoked in order to allow conflicted Board members to participate in the negotiation process and vote. The doctrine of necessity may be invoked for the negotiation team or superintendent search committee only when the Board of Education has fewer non-conflicted Board members than are required, pursuant to statute, to take action. The Board shall only invoke the doctrine of necessity after consultation with the Board attorney. When invoking the doctrine of necessity the Board shall state publically that it is invoking the doctrine of necessity with the reasons for doing so and the specific nature of the conflicts of interest. The Board shall read the resolution invoking the doctrine of necessity at a regularly scheduled public meeting, post the notice of the resolution for 30 days and provide the School Ethics Commission with a copy of the resolution.

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:12-2	Inconsistent interests or office prohibited
	<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	School Ethics Act
	<u>N.J.S.A.</u> 18A:16-1	Officers and employees in general
	<u>N.J.S.A.</u> 18A:27-4.1	Appointment, transfer, removal or renewal of officers and employees; exceptions

NEPOTISM – CERTIFIED STAFF (continued)**Legal References: (continued)**

<u>N.J.S.A.</u> 53:13D-13	State conflict of interest law
And 21.2	
<u>N.J.A.C.</u> 6A:4-1.1 <u>et seq.</u>	Appealable decisions
<u>N.J.A.C.</u> 6A:23A-1.2 <u>et seq.</u>	Fiscal accountability; definitions
<u>N.J.A.C.</u> 6A:23A-6.2 <u>et seq.</u>	Fiscal accountability; nepotism
<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission

In the Matter of the Election of Dorothy Bayless to the Board of Education of the Lawrence Township School District, 1974 S.L.D. 603, reversing 1974 S.L.D. 595

Shirley Smiecinski v. Board of Education of the Township of Hanover, Morris County, 1975 S.L.D. 478

Scola v. Ringwood Bd. of Ed., 1978 S.L.D. 413

Salerno v. Old Bridge Board of Ed., 1984 S.L.D. (April 28)

Larsen v. Woodbridge Board of Ed., 1985 S.L.D. (March 18)

Scannella v. Scudillo, School Ethics Decision, Complaint No. C-14-93, (February 3, 1994)

In the Matter of Frank Pannucci, 2000 S.L.D. March 1, State Board Rev'g Commissioner 97 NJAR 2d (EDU) 339

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

NEPOTISM – CERTIFIED STAFF (continued)

Legal References: (continued)

School Ethics Commission, Advisory Opinion A11-15

School Ethics Commission, Advisory Opinion A16-15

School Ethics Commission, Advisory Opinion A13-15

School Ethics Commission, Advisory Opinion A40-15

N.J. Department of Education 05-13-09 Broadcast # 1 “Nepotism Policy Clarification”

Cross References:

*4111	Recruitment, selection and hiring
*4212.8	Nepotism Non-Certified Staff
*4119.21	Conflict of interest
*9270	Conflict of interest
*9271	Code of Ethics
9272	Pay to play
9273	Nepotism – Board members

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

Key Words

Nepotism, Hiring Relatives, Relatives

Approved: March 24, 2008

Revised: November 30, 2009, December 14, 2015

NEPOTISM – NON-CERTIFIED STAFF

Definitions

For the purpose of this policy the following definitions shall apply:

“Nepotism” shall be defined as the showing of favoritism to an employee or candidate for employment based on the existence of a “conflicted relationship” with a Board member or Superintendent.

“Conflicted relationship” includes but is not limited to an immediate family member, a relative, and any other relationship that create a justifiable impression that the public trust may be violated.

“Conflicted Board member/administrator” shall mean any Board member or administrator with a conflict of interest, regardless of the source of conflict as identified in the definitions below.

“Relative” shall be defined as an individual’s spouse, civil union partner, domestic partner, or the parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother or half-sister, of the individual or of the individual’s spouse, civil union partner or domestic partner, whether the relative is related to the individual or the individual’s spouse, civil union partner or domestic partner, by blood, marriage or adoption.

“Immediate family” shall be defined as Board member or school administrator, their spouse, civil union partner, domestic partner, child, parent or sibling residing in the same household, whether related by blood, marriage or adoption.

“Other” when describing relationships between individuals and Board members or the Superintendent includes but is not limited to in-law, cousin, cohabitating partner, and step daughter-in-law and any other personal or professional relationship that creates the justifiable impression that the public trust is being violated.

The Board of Education, in order to avoid both the reality and the appearance of conflict of interest in employment, will not appoint a relative a school official (defined as a Board member, Superintendent or other administrator), or of any other paid employee of the Board to any employment position in this District, and directs that the Superintendent not place in nomination for any position any person who is a relative of a Board member or administrator or any other paid employee of the District. This restriction does not apply to substitute staff or seasonal employees who are relatives of any administrator (excluding the Superintendent) or other paid employees. No person shall be considered for employment in any position in which he/she would come under the direct or indirect supervision of any member of his/her family or where he/she would directly or indirectly supervise any member of his/her family. (See policy 9273 Nepotism for specifics on Board members.)

Per Diem substitutes and student employees are excluded from the provisions of this policy.

Exceptions Regarding Employment

Persons who are employees of the Board on the date that this policy becomes effective shall not be discharged because of this policy, nor shall they be denied reemployment in succeeding

NEPOTISM – NON-CERTIFIED STAFF (continued)**Exceptions Regarding Employment (continued)**

years because of it. However, if any person who is a relative of a Board member or an administrator resigns or is not reemployed for other reasons (except reduction in force), this policy would deny reemployment for such period as the individual has such a family relationship.

No one shall be released from present employment in the District because of a conflicting relationship who has been regularly employed by the Board prior to the inception of the relationship, the adoption of this policy or a school official's election or appointment.

A school official who has such relationship with any employee of the District as of the effective date of this policy shall declare such relationship immediately. A Board member shall not participate in any discussion or vote on any action of the Board which will directly affect a relative.

The District may seek approval from the Executive County Superintendent to promote an existing employee who is a relative of a school official when such a promotion is justified by the needs of the District to ensure the implementation of the Core Curriculum Content Standards, if the District can demonstrate that the existing employee is the most qualified candidate for the position after full advertising and interviewing has occurred.

A school official who has a conflicted relationship with any employee of the District or an employee in another out-of-District similar statewide union as of the effective date of this policy shall declare such relationship to the Board immediately.

Participation in Employment Related Matters

Conflicted Board members may not participate in employment matters concerning the Superintendent, principal or any administrator or supervisor(s) in the chain of command between the employee and Superintendent.

Prohibited activities for conflicted Board members include hiring of the selection agency, criteria, job description, voting to advertise for applicants, search committee, vote to hire and any evaluation and contract discussion post-hire.

Conflicted Board members may not be present in closed session when discussions regarding the administrators take place and should not be privy to executive session materials until such time as the minutes are made available to the general public

Board Member/Superintendent Participation in Negotiations**A. In-District Bargaining Units**

When a Board member or school administrator is in a conflicted relationship which prohibits participation in collective negotiations, that Board member or school administrator shall not participate in any way in negotiations. This includes, but is not limited to, setting negotiation parameters, being a member of the negotiating team, receiving negotiations updates, voting on the proposed agreement and post-contract participation in grievances. Nor shall that Board member or school administrator be present with the Board in closed session when negotiation strategies are being discussed. A school administrator may provide technical information that is necessary to the collective bargaining process when no one else can provide that information.

NEPOTISM – NON-CERTIFIED STAFF (continued)**Board Member/Superintendent Participation in Negotiations****A. In-District Bargaining Units** (continued)

Board members or the Superintendent are similarly precluded from participation in negotiations with any bargaining unit whose members have supervisory authority over a family member or other conflicted connection.

B. Out-of-District Similar Statewide Bargaining Units

When a Board member or school administrator is in a conflicted relationship with an individual who is a member of an out-of-District similar statewide union with which the Board is negotiating, that Board member or school administrator shall not participate in any way in negotiations. This includes, but is not limited to: being a member of the negotiating team, and receiving confidential negotiations information updates prior to the Board's attaining a tentative memorandum of agreement with the bargaining unit, including salary guides and/or the total compensation package.

Once such tentative memorandum of agreement is established, including salary guides and/or the total package of money to be offered, the Board member or school administrator may fully participate in the process, including Board member voting, absent other conflicts. Prior to that time, the Board member or school administrator shall not be present with the Board in closed session when negotiation strategies are being discussed. However, a school administrator may provide technical information that is necessary to the collective bargaining process when no one else in the District can provide that information.

In situations where a Board member **or Administrator** who has a relative who is a member of an out-of-district similar state-wide union with which the Board is negotiating will not violate the State Ethics Act per se, if he/she participates in negotiations or votes on the contract with the local education affiliate. The Board member's **or Administrator's** participation should be determined by the level of involvement, leadership and/or negotiation status his relative has in the union, and/or the concurrence of the two unions' negotiations. If a Board member is employed in an administrative capacity in another district, that Board member may be able to participate in teacher negotiations if there is no connection between the administrative and teachers union in the district where he/she is employed. The Board should consult the Board attorney and review applicable School Ethics Committee decisions when such situations arise

Doctrine of Necessity

When a quorum of the Board has conflicted interests, the doctrine of necessity may be invoked in order to allow conflicted Board members to participate in the negotiation process and vote. The doctrine of necessity may be invoked for the negotiation team or superintendent search committee only when the Board of Education has fewer non-conflicted Board members than are required, pursuant to statute, to take action. The Board shall only invoke the doctrine of necessity after consultation with the Board attorney. When invoking the doctrine of necessity the Board shall state publically that it is invoking the doctrine of necessity with the reasons for doing so and the specific nature of the conflicts of interest. The Board shall read the resolution invoking the doctrine of necessity at a regularly scheduled public meeting, post the notice of the resolution for 30 days and provide the School Ethics Commission with a copy of the resolution.

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:12-2	Inconsistent interests or office prohibited
	<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	School Ethics Act
	<u>N.J.S.A.</u> 18A:16-1	Officers and employees in general
	<u>N.J.S.A.</u> 18A:27-4.1	Appointment, transfer, removal or renewal of officers and employees; exceptions

NEPOTISM – NON-CERTIFIED STAFF (continued)**Legal References: (continued)**

<u>N.J.S.A.</u> 53:13D-13	State conflict of interest law
And 21.2	
<u>N.J.A.C.</u> 6A:4-1.1 <u>et seq.</u>	Appealable decisions
<u>N.J.A.C.</u> 6A:23A-1.2 <u>et seq.</u>	Fiscal accountability; definitions
<u>N.J.A.C.</u> 6A:23A-6.2 <u>et seq.</u>	Fiscal accountability; nepotism
<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission

In the Matter of the Election of Dorothy Bayless to the Board of Education of the Lawrence Township School District, 1974 S.L.D. 603, reversing 1974 S.L.D. 595

Shirley Smiecinski v. Board of Education of the Township of Hanover, Morris County, 1975 S.L.D. 478

Scola v. Ringwood Bd. of Ed., 1978 S.L.D. 413

Salerno v. Old Bridge Board of Ed., 1984 S.L.D. (April 28)

Larsen v. Woodbridge Board of Ed., 1985 S.L.D. (March 18)

Scannella v. Scudillo, School Ethics Decision, Complaint No. C-14-93, (February 3, 1994)

In the Matter of Frank Pannucci, 2000 S.L.D. March 1, State Board Rev'g Commissioner 97 NJAR 2d (EDU) 339

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

NEPOTISM – NON-CERTIFIED STAFF (continued)

Legal References: (continued)

School Ethics Commission, Advisory Opinion A11-15

School Ethics Commission, Advisory Opinion A16-15

School Ethics Commission, Advisory Opinion A13-15

School Ethics Commission, Advisory Opinion A40-15

N.J. Department of Education 05-13-09 Broadcast # 1 “Nepotism Policy Clarification”

Cross References:

*4111	Recruitment, selection and hiring
*4112.8	Nepotism -Certified Staff
*4119.21	Conflict of interest
*9270	Conflict of interest
*9271	Code of Ethics
9272	Pay to play
9273	Nepotism – Board members

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

Key Words

Nepotism, Hiring Relatives, Relatives

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