

East Greenwich Township Board of Education

“How Public Board of Education Meetings are Run and the Roles of the Board of Education and the Superintendent of Schools”


January 2, 2019

Presented by: Paul C. Kalac, Esq., Partner, and Dr. James J. Lynch, Superintendent of Schools


WEINER LAW GROUP^{LLP}




Weiner Law Group, LLP
331 Newman Springs Road, Bld. 1, Suite 136
Red Bank, NJ 07701
Tel: 732-978-1210
Fax: 732-978-1201
www.weiner.law




*Public Board of Education Meetings are
Held in Public, But Primary Purpose of
Meetings is for the Board of Education to
Conduct its Business*

- 
- Legal requirement for notice of meetings to be published.
 - Meetings to be conducted in open and transparent ways.
 - Meeting strictly follows written agenda outlining Board of Education's business as it relates to student matters, personnel matters, finance matters, and other items relative to the operation of the School District.
 - Certain matters are confidential and need to be addressed in executive session; i.e., student matters, personnel matters, negotiations.



*The Board of Education follows “Robert’s
Rules of Order”, Otherwise Known as
Parliamentary Procedures in Order for It to
Conduct its Business*

- 
- Prior to voting on any item listed on the agenda, a motion needs to be made and then a second (2nd) motion needs to be made.
 - Questions/discussions allowed on all agenda items.
 - Each Board of Education Member needs to verbally vote on all agenda items (Yes or No) unless conflicted (Abstain/Recusal).
 - Roll call vote (consent agenda/block voting versus individually voting on agenda items).
 - Voice vote (Yea or Nay).
 - Minutes are to be kept of all votes taken for all items on the agenda.



*Public Comment is Required by Law at
Board of Education Meetings*

- Public comment, not public debate or public discussion (no cross-examination by members of the public or Board Members is allowed; no entering into “questions and answers”).
- The Board of Education is allowed to set time limits per speaker or total length of public comment portion of the meeting, but not allowed to try to control the content of the speech; i.e., no censoring (1st Amendment Rights).
- The Board of Education can control speech that is obscene, threatening, or unrelated to educational purpose of the School District.
- The Board of Education has no legal responsibility to respond to public comment; the Board’s primary responsibility is to listen to the public comment.
- Members of the public and Board Members are expected to maintain a tone of civility and courtesy during public comment.
- If a response to public comment is deemed necessary regarding operational issues in the School District, a response is to be done through the Superintendent of Schools with emphasis on following the “chain of command” to try to resolve any problems. There is no requirement to resolve concerns/disputes during the public meeting (time and place for addressing those issues).



Role of the Board of Education

- The Board of Education is a political body and must act in accordance with State laws. Boards of Education are sometimes referred to as “creatures of statute” which means Boards must perform acts consistent with law and rules necessary for the lawful and proper conduct and maintenance of the School District. These are the parameters and legal limitations by which a Board of Education operates.
- The Board of Education’s primary roles are to set board policy (including goals and objectives for the School District) and hire the Superintendent of Schools.
- The Board of Education establishes District goals with the input from “stakeholders” in the School District (i.e., students, employees, taxpaying citizens living in the District, and parents).
- The Board of Education does not operate the School District on a day-to-day basis---daily operational decisions are reserved for the administration and teaching staff. The Board’s job is not to micromanage.
- The Board of Education’s role is to act on the recommendations of the Superintendent of Schools regarding daily operational activities in the School District affecting students, teaching staff, paying bills, and school property.
- All decisions of the Board are to be made as a whole body, not individual decision makers.



Role of the Superintendent of Schools

- The Superintendent of Schools is the Chief School Administrator (“CSA”), or the Chief Executive Officer of the School District. The Superintendent’s role, as well as duties, are controlled by State law.
- The Superintendent has general supervision and authority over all aspects of the School District including fiscal, instructional, and other duties as directed by the Board of Education.
- The Superintendent’s duties include: recommendations to the Board of Education on all personnel matters (hiring, nonrenewal, etc.).
- The Superintendent is a non-voting member of the Board of Education.
- The Superintendent is required to report on the condition of the School District from month-to-month by way of a “Superintendent’s Report” as listed on the Board’s agenda.



Questions