

East Greenwich Board of Education

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


November 19, 2014

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This presentation is designed to keep you aware of recent developments in the law. It is not intended to be legal advice.




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

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- 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*

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- 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.
- 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, 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.

SCHOOL DISTRICT GOVERNANCE

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

The school board has a dual role: To represent the concerns of the citizens, taxpayers and parents to the school administrators, and to represent the needs of the students and school district to the citizens, taxpayers and parents of the community. The school board does not operate the district on a day-to-day basis; that is the job of the superintendent, who is the district's chief executive. Rather, the school board sets the policies, goals and objectives for the district – and it holds the superintendent responsible for implementing the policies and achieving the goals.

I have a problem with my school. Isn't the school board the appropriate body to address it?

Maybe. We recommend working up the chain of command. For instance, if a parent has a problem with a teacher, the parent should first address it with the teacher and, if the issue is not resolved, the parent should turn to the principal or supervisor, and then the superintendent. The school board should be the "court of last resort." Many times citizens can get answers to their questions simply by calling the appropriate person in the school district (i.e., teacher, principal, school board secretary or superintendent).

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

State law requires a public comment period at board meetings. Boards are allowed to establish reasonable restrictions on the time, place and manner of public comment. For instance, school boards typically set guidelines on the length of an individual's comment (e.g., a certain amount of time per person), so no one person dominates the meeting. There is no required format for public comment; some boards have one public-comment period in the middle of the meeting, some have two public-comment sessions during a board meeting.

What is proper protocol for public participation?

Comments from citizens generally go through the chair at the board meeting, usually the board president. Boards use the public comment period as an opportunity to listen to citizen concerns, but not to debate issues or enter into a question-and-answer session or a "cross examination" between the public and individual members. Be aware that not all issues brought before a board meeting will be resolved that evening; boards may respond to public comment by seeking additional information or by delegating the authority to investigate the issue to the superintendent or his/her designee. While public education can be an emotional issue, and understandably so, the board will strive to maintain a certain level of decorum at the meeting. Many meetings are recorded or televised, and students often attend or participate in the meetings. As such, citizens are expected to maintain tone of courtesy and civility.

How does the board set its rules at the meeting?

A local school board's parliamentary procedure is a matter of local policy. Most boards follow Roberts 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 citizens on rules of order and other issues of board policy.

The board goes into a closed-door meeting each meeting. Why can't the public witness what occurs there?

New Jersey's Open Public Meetings Act (also known as the Sunshine Law) specifies nine areas that are to be discussed in "executive" or closed-door session. Among the most common are privacy issues (including employee privacy as well as matters dealing with individual students and student discipline); anticipated litigation and issues involving attorney-client privilege; negotiations with labor unions and negotiating strategy; matters involving the purchase of property; and any issues dealing with security that could undermine safety if made public. Sometimes, citizens will want to know why a school board took a vote regarding a particular staff member (e.g., not re-hiring a teacher or principal). However, school board members are not allowed to publicly discuss evaluative aspects of the staff member's employment, unless the employee authorizes it.

What is the board agenda?

My school board seems to rapidly work through the agenda, without much debate. Why is that? School boards sometimes have a "workshop" or "caucus" meeting where they discuss issues in greater detail, but don't vote on the issues. In addition, boards may utilize a committee structure, where certain members 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 board has a regular "agenda" or "business" meeting where it votes on issues, the agenda items have usually been vetted or studied already.

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

Statutes are the laws that are enacted by legislators in Trenton. Usually the law will contain broad language on an issue, and it will authorize the appropriate state agency (which would be the New Jersey Department of Education, or NJDOE, in the case of school law) to write regulations, also called "administrative code," that detail how the law will be carried out. Local public schools must adhere to state statute and regulations. 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 school board's rules and guidelines that detail how the district will operate. Policies address many issues ranging from student discipline and dress codes to whether the district will rent the gym to community groups after school hours. The state generally does not delve into the oversight of local board policies unless there is a specific law requiring boards to have policies on an issue (such as school bullying), or if the local board's policies are found to be arbitrary or capricious, or have otherwise run afoul of state laws and regulations.

Taken and adapted from NJSBA