

WESTFIELD PUBLIC SCHOOLS
Westfield, New Jersey 07090

BYLAWS
0161
Call, Adjournment and Cancellation

0161 - CALL, ADJOURNMENT AND CANCELLATION

The Board of Education shall meet in public session at least once every month during the period in which the schools are in session.

All meetings shall be called to commence not later than 8:00 p.m. of the day designated.

The regular meetings of the Board of Education shall be held for official conduct of business, including but not limited to:

1. authorizing and approving expenditures;
2. appointing, promoting, demoting or reassigning employees;
3. adopting Board policies;
4. adopting the budget or amendments thereto; and
5. performing all other statutory functions of the Board.

Regular meetings may be omitted or rescheduled by majority vote without amendment of the Bylaws.

The Secretary of the Board of Education shall call a special meeting of the Board when requested by the President of the Board to do so. In the event the President declines a written request from a member to call a special meeting, the Secretary shall call such a meeting upon submission of a petition requesting such a meeting, signed by a majority of the whole of the Board.

The petition shall state the purpose of the special meeting and request scheduling of the meeting in accordance with the notice requirements as specified by the laws of the State of New Jersey. Any such petition may be signed in counterpart.

The purpose of the special meeting shall be stated in the notice and no other business may be transacted at such meetings except by affirmative vote of a majority of the full Board.

The Board may at any time recess or adjourn to a rescheduled meeting at a time, date, and place announced before the adjournment takes place. The rescheduled meeting shall take up its business at the point in the agenda where the motion to adjourn was passed.

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When circumstances are such as to prevent the attendance of a majority or all of Board members or to frustrate the purpose of the meeting, a meeting may be canceled by the Board Secretary at the request of the President. Notice of the cancellation shall be given, by expedient means, to all Board members, to the Superintendent, and, whenever possible, to the newspapers in which notice of Board meetings is regularly given. If possible, written notice of the cancellation shall also be posted at the place where the canceled meeting was scheduled to occur. Notice of the cancellation shall include the date, time, and place of the next scheduled meeting. Notice of the cancellation shall be read at the next following Board meeting and shall be duly recorded in the official minute book.

Pursuant to Chapter 11 of the Public Laws of 2020, the Board is authorized to conduct virtual meetings to comply with directives pursuant to a declared state of emergency, state of local disaster, or public health emergency to prevent the spread of contagious disease and/or as otherwise directed by the State when weather events and other extenuating circumstances render in-person meetings less than optimal.

The Board may hold virtual meetings according to the provisions of Board Policy 0170 – Virtual Board Meetings. Where practicable, all board policies relating to in-person Board meetings shall apply to virtual meetings.

P.L.2020, Ch.11
Board Policy 0170 – Virtual Board Meetings

N.J.S.A. 18A:10-6
N.J.A.C. 6:3-1.2

First Reading: December 21, 1999
Approved: February 1, 2000
Revised: June 11, 2013
Reviewed: November 19, 2019
First Reading: April 28, 2020

0163 QUORUM

A quorum shall consist of five Board members physically present at the location where the Board is meeting, and no business shall be conducted in the absence of a quorum, except when the Doctrine of Necessity is invoked.

Pursuant to Chapter 11 of the Public Laws of 2020, during a declared public emergency the Board may conduct business while not physically collocated, through electronic communications mechanisms, as detailed in Board Policy 0170 – Virtual Board Meetings. A quorum for the purposes of a virtual board meeting shall consist of five Board members connected to the official virtual meeting platform with working video and audio capabilities, and no business shall be conducted in the absence of a virtual quorum, except when the Doctrine of Necessity is invoked.

In the event a quorum is not present at the hour of convening, the meeting may be recessed to a time not later than 9 o'clock p.m. of the same day. If a quorum is not then present, the members present may adjourn the meeting to a later date within seven days.

The Board of Education recognizes that there may be matters that come before the Board or acts required of Board members in their official capacity where the Board member may have a conflict of interest or the act would be in violation of N.J.S.A. 18A:12-24. In these matters, the Board member(s) will remove himself/herself from any discussions, meetings (informal or formal), committee meetings, and/or a vote regarding the matter. The Board will consider this matter without the Board member(s) who has the conflict.

In the event a matter comes before the Board or an act is required of a Board member in his/her official capacity that is a conflict or would be in violation of N.J.S.A. 18A:12-24, the Board would still be required to have a quorum to consider the matter. However, the New Jersey Department of Education and the School Ethics Commission has envisioned this prohibition could create a situation in which so many Board members have a conflict, that the Board would be unable to take action on a matter. Therefore, when more than a quorum of the Board members must abstain from voting on a matter, the Board will invoke the Doctrine of Necessity consistent with the New Jersey Department of Education and School Ethics Commission guidelines as follows:

A. Board Member(s) in Conflict - Less Than a Majority of the Board

1. In the event a Board member(s) has a conflict of interest where the Board member will act in his/her official capacity, the Board member must remove himself/herself from any discussions, meetings (informal or formal), committee meetings, and/or a vote regarding the matter.

2. In the event a Board member is unsure whether he/she or any other Board member has a conflict of interest or whether the matter, if acted upon by a Board member(s) is in violation of N.J.S.A. 18A:12-24 - Prohibited Acts, the school board attorney will make a determination.
3. The school board attorney will provide the Board of Education an opinion on whether the matter is a conflict of interest or act prohibited by N.J.S.A. 18A:12-24 - Prohibited Acts.
4. If the Board member(s) believes he/she has a conflict of interest where he/she will act in his/her official capacity or if the school board attorney renders an opinion that the Board member has a conflict of interest where the Board member will act in his/her official capacity, the Board member will remove himself/herself from any discussions, meetings (informal or formal), committee meetings, and/or a vote regarding the matter.

B. A Majority of Board Members in Conflict

1. In the event:
 - a. a Board member(s) believes he/she has a conflict of interest where he/she will act in his/her official capacity; or
 - b. if the school board attorney renders an opinion that the a Board member(s) has a conflict of interest where the Board member will act in his/her official capacity; and
 - c. the number of Board members that have a conflict would make it so the Board would be unable to take action on the matter;

then the Board may invoke the “Doctrine of Necessity.” (Citing U.S. v. Will, 449 U.S. 200 (1980)).

C. Doctrine of Necessity

1. The Doctrine of Necessity may be invoked when more than a quorum of the Board must abstain from voting on a matter.

This situation may arise when the Board members must vote on contracts with local bargaining units when they are members of the same statewide general union or have an immediate family member(s) in the local bargaining unit or the same statewide general union.

2. There are three prerequisites necessary for a Board to invoke the Doctrine of Necessity:
 - a. the Board must be unable to act without the members in conflict taking part; and
 - b. there must be a pressing need for action, i.e. the matter cannot be laid aside until another date; and
 - c. there can be no alternative forum that can grant the same relief. (Allen v. Toms River Regional Board of Education, 233 N.J. Super 651 (Law Division 1989).
3. When the school board attorney advises the Board the Doctrine of Necessity must be invoked in order to obtain a quorum on a vote, the Board must announce that it is invoking the Doctrine.
 - a. The announcement must include the reason the Board must invoke the Doctrine of Necessity including stating the nature of each Board members conflict.
 - b. The announcement will be in writing and should be recorded in the minutes of the meeting by the Board Secretary at the point when the vote takes place.
 - c. It is enough for the Board to announce it is invoking the Doctrine and a Board Resolution is not required.
4. When the Board announces the Doctrine of Necessity is being invoked, the details, parameters and/or other pertinent facts of the matter to be voted should be revealed on an agenda for the public meeting in which the matter is to be voted upon.
5. The Board members who have a conflict in the matter are prohibited from:
 - a. participating in any discussions on the matter prior to the announcement and public meeting; and

- b. entering an executive session in order to discuss the merits of the matter or contract; and
 - c. offering their opinions on the matter at any time prior to the announcement and public meeting.
6. The Board members who have a conflict in the matter may only participate to the extent they may vote after the motion to approve and/or ratify the matter has been made and seconded and the Doctrine of Necessity has been thoroughly explained to the public.
7. Board members in conflict may only ask questions regarding the matter to be voted on in public and after the Board has invoked the Doctrine of Necessity.
8. Board members in conflict may explain their reasons for not voting just before the vote.

N.J.S.A. 18A:10-6

N.J.S.A. 18A:12-24

N.J.S.A. 18A:12-24.1

New Jersey School Ethics Commission Advisory Opinion A10-93(6) and A07-94

P.L.2020, Ch.11

Board Policy 0170 – Virtual Board Meetings

Approved: February 1, 2000

Reviewed: June 17, 2013

Reviewed: November 19, 2019

First Reading: April 28, 2020

0165 VOTING

All Board of Education actions requiring a vote may be conducted by voice, show of hands, or roll call provided that the vote of each member is recorded in the minutes of the meeting. Proxy voting shall not be permitted. Remote voting via electronic mechanisms shall be limited to voice votes or a recording of votes by verbal roll call, and shall only be permitted during a virtual board meeting conducted pursuant to the provisions of Board Policy 0170 – Virtual Board Meetings.

Abstentions shall not be counted as votes but shall be recorded; a member who abstains from voting is deemed to acquiesce in the outcome of the vote.

All motions shall require for adoption the majority vote of Board members present and voting, except as provided by statutes of the State of New Jersey, this bylaw, or parliamentary authority and provided that the number of affirmative votes is at least a majority of the Board's quorum.

1. The affirmative votes of three-quarters of the members present are required for the conduct of a Board meeting when adequate notice has not been provided in accordance with law, N.J.S.A. 10:4-9.
2. A two-thirds vote of the full Board is required for:
 - a. placement without bid of a nonexempt contract in excess of the bid threshold established in accordance with law after two unsuccessful advertisements for bids and a determination that no government entity can perform the work or furnish the goods, N.J.S.A. 18A:18A-5;
 - b. placement of a nonexempt negotiated contract in excess of the bid threshold established in accordance with law after the Board has on two occasions rejected unreasonable bids, N.J.S.A. 18A:18A-5; and
 - c. purchase of goods also available under state contract when the Board has received at least three quotations and the lowest responsible quotation is at least ten percent less than the price under the state contract for the identical goods and quantities, N.J.S.A. 18A:18A-5.
3. A majority vote of the full Board is required for:
 - a. admission after October 1 of a pupil who has never attended school, N.J.S.A. 18A:38-6;
 - b. adoption or alteration of a course of study, N.J.S.A. 18A:33-l;

- c. application for membership in an established county audiovisual aid center, N.J.S.A. 18A:51-11;
 - d. appointment of a Superintendent, N.J.S.A. 18A:17-15; School Business Administrator, N.J.S.A. 18A:17-14.1; Board Secretary, N.J.S.A. 18A:17-5; Assistant Superintendent, N.J.S.A. 18A:17-16; or Assistant Board Secretary, N.J.S.A. 18A:17-13;
 - e. appointment or transfer of a teaching staff member, N.J.S.A. 18A:25-1, 27-1;
 - f. approval of budgets and capital construction, N.J.S.A. 18A:22-32, 22-39;
 - g. approval of employee salary deductions for hospital and insurance plans and government bonds, N.J.S.A. 18A:16-8;
 - h. authorization of school bonds, N.J.S.A. 18A:24-10;
 - i. decision to establish with other school districts a county audiovisual educational aid center, N.J.S.A. 18A:51-1;
 - j. determination of sufficiency of charges warranting dismissal or reduction in salary of a tenured employee, N.J.S.A. 18A:6-11;
 - k. disposition or exchange of lands owned by the Board, N.J.S.A. 18A:20-5, 20-8;
 - l. purchase of bonds or other obligations as investments, N.J.S.A. 18A:20-37;
 - m. removal of the President or Vice President of the Board, N.J.S.A. 18A:15-2;
 - n. restoration or removal following suspension of an Assistant Superintendent, Principal, or teacher, N.J.S.A. 18A:25-6;
 - o. selection of textbooks, N.J.S.A. 18A:34-1; or
 - p. withholding a salary increment, N.J.S.A. 18A:29-14.
4. A roll call vote of the Board is required for the following actions with the necessary vote as indicated:

Issue	Required Vote
a. salary deductions for government bonds N.J.S.A. 18A:16-8	majority of full Board
b. appointment of a secretary of Board of Education; terms; compensation; vacancy N.J.S.A. 18A-17-5	majority of full Board

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| c. | assistant and acting secretaries; appointment, powers and duties N.J.S.A. 18A:17-13 | majority of full Board |
| d. | appointment of Superintendents; terms; apportionment of expense N.J.S.A. 18A:17-15 | majority of full Board |
| e. | appointment and removal of Assistant Superintendents N.J.S.A. 18A:17-16 | majority of full Board |
| f. | appointment of Administrative Principals N.J.S.A. 18A:17-20.5 | majority of full Board |
| g. | appointment of shared Superintendent, School Business Administrator; terms N.J.S.A. 18A:17-24.3 | majority of the membership of each Board |
| h. | appointment; salary; removal of Business Managers N.J.S.A. 18A:17-25 | majority of full Board |
| i. | unit control organizational structure; Executive Superintendent N.J.S.A. 18A:17A-1 | majority of full Board |
| j. | disposition of property N.J.S.A. 18A:20-5 | majority of full Board |
| k. | exchange of lands N.J.S.A. 18A:20-8 | majority of full Board |
| l. | Type II districts with Board of School Estimate; determination; certification and raising of appropriations; notice of appeal N.J.S.A. 18A:22-26 | majority of full Board |
| m. | Type II districts with Boards of School Estimate; estimate by Board of Education; certification of estimate N.J.S.A. 18A:22-27 | two-thirds of full membership of Board |
| n. | determination of amounts by Board of School Estimate N.J.S.A. 18A:22-31 | Board of School Estimate majority of full Board |
| o. | Type II districts without Board of School Estimate; determination and certification of appropriation N.J.S.A. 18A:22-32 | majority of full Board |

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| p. | Type II districts without Board of School Estimate; submission of capital projects N.J.S.A. 18A:22-39 | majority of full Board |
| q. | school bonds, when deemed to be authorized Type II. N.J.S.A 18A:24-10 | majority of full Board |
| r. | private sale if no bids at public sale N.J.S.A. 18A:24-45 | two-thirds of full membership of Board |
| s. | transfer of teaching staff member N.J.S.A. 18A:25-1 | majority of full Board |
| t. | suspension of Assistant Superintendents, Principals and teaching staff members N.J.S.A. 18A:25-6 | majority of membership |
| u. | appointment of teaching staff members; vote required N.J.S.A. 18A:27-1 | majority of full Board |
| v. | Board of Education, procedure for certain personnel actions; recommendation of Chief School Administrator N.J.S.A. 18A:27-4.1 | majority of full Board |
| w. | renewal of personnel N.J.S.A. 18A:27-4.1 | majority of full Board |
| x. | withholding increments; causes notice of appeals N.J.S.A. 18A:29-14 | majority of full Board |
| y. | district to furnish suitable facilities; adoption of courses of study N.J.S.A. 18A:33-1 | majority of full Board |
| z. | textbooks; selection; furnished free with supplies; appropriations N.J.S.A. 18A:34-1 | majority of full Board |
| aa. | single county educational audiovisual aids center in county N.J.S.A. 18A:51-11 | majority of full membership |

N.J.S.A. 10:4-14
Board Policy 0170 – Virtual Board Meetings

Approved: February 1, 2000
Revised: August 27, 2013
Reviewed: November 19, 2019
First Reading: April 28, 2020

0166 EXECUTIVE SESSIONS

The Board of Education may meet in a private session only to discuss and act on issues exempted by law from the requirement that all Board meetings be public and only after the adoption at a public meeting of a resolution stating the general nature of the subject or subjects to be discussed and, as precisely as possible, the time when and circumstances under which the discussion conducted in private session can be disclosed to the public.

The Board may exclude the public only from that portion of a meeting at which the Board discusses:

1. any matter that has been rendered confidential by express provision of federal or state law or rule of court;
2. any matter in which the release of information would impair a right to receive funds from the Government of the United States;
3. any material the disclosure of which constitutes an unwarranted invasion of a pupil's privacy, including but not limited to records, data, reports, or recommendations relative to the pupil's personal and family circumstances, treatment, progress or condition, unless the adult pupil or the pupil's parent or legal guardian requests in writing that the same be disclosed publicly;
4. any Collective Bargaining Agreement, or the terms and conditions that are proposed for inclusion in any Collective Bargaining Agreement, including the negotiation of the agreement with school district employees or representatives of employees;
5. any matter involving the purchase, lease, or acquisition of real property with public funds or the investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed;
6. any tactics and techniques utilized in protecting the safety and property of the public when their disclosure could impair such protection and any investigations of violations or possible violations of the law;
7. any pending or anticipated litigation or contract negotiation other than as stated in #4 in which the Board is or may become a party and any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer;

8. any matter involving the 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 Board, unless the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting, except that, regardless of the employee's request, the consideration and actions of the Board as to any tenure charge shall be conducted in private session; or
9. any deliberations occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of the responding party's certification as a result of an act or omission for which the responding party bears responsibility.

Such sessions shall be closed to the public and press. Minutes taken at such meetings shall remain confidential only so long as their publication could defeat the executive session's purpose. 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 are not to disclose the topic or details discussed at executive session.

The Superintendent shall attend all executive sessions, except those which pertain to his/her employment.

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.

If the Board is conducting a virtual board meeting, pursuant to Board Policy 0170, and a virtual executive session is deemed necessary, all practicable efforts must be made to conduct the virtual executive session at the end of the public portion of the meeting. After announcing the Board is moving to executive session, the Board shall cease use of the virtual public meeting mechanism and initiate the use of a separate, non-public access controlled mechanism for the executive session portion of the meeting. If the board meeting must reopen to the public to take action following an executive session, the use of the non-public virtual meeting mechanism must cease and the Board must again initiate use of a public virtual meeting mechanism.

N.J.S.A. 10:4-12; 10:4-13
N.J.S.A. 18A:6-11

Approved: February 1, 2000
Reviewed: May 29, 2013
Reviewed: November 19, 2019
First Reading: April 28, 2020

0167 PUBLIC PARTICIPATION IN BOARD MEETINGS

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.

Public participation shall be permitted only as indicated on the order of business in Board Bylaw No. 0164 (Conduct of Board Meetings).

Public participation shall be extended to residents of this district, persons having a legitimate interest in the actions of this Board, persons representing groups in the community or school district, representatives of firms eligible to bid on materials or services solicited by the Board, and employees and pupils of this district, except when the issue addressed by the participant is subject to remediation by an alternate method provided for in policies or contracts of the Board.

Public participation shall be governed by the following rules:

1. after being recognized by the President, the individual shall stand and give his or her name and address;
2. all questions, statements, or inquiries must be directed to the President of the Board of Education or his/her designee. . Any questions or inquiries directed by a participant to another Board member shall be redirected to the presiding officer who shall determine if such question, statement or inquiry shall be addressed by the presiding officer on behalf of the Board or by the individual Board member;
3. no participant may speak more than once on the same topic until all others who wished to speak on that topic have been heard;
4. discussion directed at other members of the audience will not be permitted; public criticism of individual staff members will not be permitted;

5. the Board or committee reserves the right to adjourn the meeting any time the public does not accept directions from the President of the meeting;
6. recording devices may be used by the public and the Board or committee may announce this as a point of information;
7. photographers and television camera operators are permitted if in the judgment of the President their activities do not interrupt or detract from the orderly conduct of the meeting;
8. The President may:
 - a. interrupt, warn, and/or terminate a participant's question, statement, or inquiry when the statement is too lengthy;
 - b. interrupt, warn, and/or terminate a participant's question, statement, or inquiry when the statement is abusive, obscene, or may be defamatory;
 - c. request any person to leave the meeting when that person does not observe reasonable decorum;
 - d. request the assistance of law enforcement officers in the removal of a disorderly person when that person prevents or disrupts a meeting with an act that obstructs or interferes with a meeting;
 - e. call for a recess or an adjournment to another time when the lack of public decorum interferes with the orderly conduct of the meeting; and
 - f. waive these rules when necessary for the protection of privacy or to maintain an orderly operation of the Board meeting.

If the Board is conducting a virtual board meeting, pursuant to Board Policy 0170, sufficient mechanisms shall be provided to ensure that the rights of the public to view and participate in the Board meeting and the right to submit public comments to the Board during the designated portions of the meeting agenda are maintained, to the greatest extent practicable.

N.J.S.A. 2C:33-8

N.J.S.A. 10:4-12

Board Policy 0170 – Virtual Board Meetings

Approved: March 7, 2000

Revised: December 2, 2008

Reviewed: May 29, 2013

Revised: January 7, 2020

First Reading: April 28, 2020

0168 RECORDING BOARD MEETINGS

The Board of Education directs the creation and maintenance of an official record of the formal proceedings of the Board and will permit the unofficial recording of Board meetings in accordance with this Bylaw.

Minutes

The Board shall keep reasonably comprehensible minutes of all its meetings showing the time and place, the members present, the subject considered, the actions taken, the vote of each member, information sufficient to explain the actions taken, and any other information required to be shown in the minutes by law.

Minutes of public meetings shall be public records signed by the Board Secretary and filed in the Board Secretary's office in a minute book as the permanent record of the acts of this Board.

Minutes of private meetings shall be filed in the Board Secretary's office in a place separate from the minute book until the time, if any, when the proceedings may be made public. At that time, the minutes shall be public records and shall be filed in the regular minute book.

The Board Secretary shall provide each Board member with a copy of the minutes prior to Board approval.

Recording by the District

The District shall arrange for audio and video recordings of all meetings of the full Board in which the Board is to take formal action. This requirement does not extend to closed executive sessions, committees of the whole board, workshop conference sessions, nor meetings of board committees.

When the Board meets virtually during a declared public emergency, pursuant to the provisions of Board Policy 0170 – Virtual Board Meetings, a recording of the virtual meeting, including video, audio and public comments, to the extent such features have been made available by the virtual meeting platform vendor, shall be preserved on district servers.

As soon as practicable, all official audio and video recordings of Board meetings, whether conducted in person or through virtual mechanisms, shall be published on the district website.

All district-authorized recordings shall be preserved as a governmental record in accordance with the Open Public Records Act.

Recording by the Public

The Board will permit the use of audio or video recording devices by members of the public to record public meetings. The Board President or designee may use discretion to intervene if the use of audio or video devices is disruptive.

N.J.S.A. 10:4-14
P.L.2020, Ch.11
Board Policy 0170 – Virtual Board Meetings

Approved: February 1, 2000
Revised: October 1, 2013
Revised: January 7, 2020
First Reading: April 28, 2020

0170 – VIRTUAL BOARD MEETINGS

The Board of Education shall make every effort to ensure the Board continues to meet regularly during declared periods of emergency to oversee operation of the school district and the educational program and to provide necessary updates to the community.

Pursuant to Chapter 11 of the Public Laws of 2020, the Board is authorized to conduct virtual meetings to comply with directives pursuant to a declared state of emergency, state of local disaster, or public health emergency to prevent the spread of contagious disease and/or as otherwise directed by the State when weather events and other extenuating circumstances render in-person meetings less than optimal.

In accordance with the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.), public meetings, including conducting board business, voting and receiving public comment, may be held in person or by means of communication equipment (N.J.S.A. 10:4-8(b)), to include streaming video services and other online meeting platforms.

The Board may hold virtual meetings according to the following provisions:

Notification of Virtual Board Meetings and Exception

All meetings, including those held using communications equipment, must be noticed in a manner consistent with the requirements of the Open Public Meetings Act and Board Bylaw 0162 Notice of Meetings;

- A. Wherever practicable, public notice of a virtual board meeting shall include a hyperlink to the webpage with instructions for public viewing and participation in the virtual board meeting;
- B. Virtual meetings for emergent circumstances may be held without providing adequate notice in a manner consistent with the requirements set forth at N.J.S.A. 10:4-9(b):
 1. Three-quarters of the members present vote to do so; and
 2. The meeting is required to deal with matters of such urgency and importance that delay would be likely to result in substantial harm to the public interest; and
 3. The meeting will be limited to discussion of and action on these matters; and
 4. Adequate notice of such meeting is provided as soon as possible following the calling of such meeting; and
 5. One of the following:
 - a. Either the Board could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided; or
 - b. The need could have been foreseen in time but the Board failed to give adequate notice;

Virtual Public Attendance and Participation

The provisions of Board Bylaw 0167 – Public Participation in Board Meetings shall also apply to virtual board meetings, with the following addenda:

- A. Instructions shall be provided, on the Board webpage of the district’s website, to assist the public in remotely accessing the virtual board meeting;
- B. The Board shall provide a means of permitting public comment during virtual board meetings, and guidance shall be provided to the public for remotely providing comments;
- C. The presence of a persistent commenting feature shall not create an obligation upon the Board to acknowledge or respond to public comments outside of the designated public commenting periods on the meeting agenda;
- D. All virtual comments shall be directed to the Board President, and all responses shall be by the President or at the direction of the President;
- E. For the purposes of meeting format continuity, Board members are discouraged from reading and responding to posted public comments outside the designated comment periods;
- F. In the event that a previously advertised public board meeting must be conducted remotely, the district business administrator/board secretary shall ensure that the advertised meeting place is connected to the meeting through communications equipment, unless otherwise directed by state or local emergency management or health officials; and
- G. Remote meeting shall be audio and video recorded in the same manner as in-person public meetings;

Virtual Executive Sessions

The Board shall avoid conducting an executive or closed session through virtual means unless the topic of concern is urgent or directly affects the health, safety, or welfare of residents, students or district staff.

- A. All provisions and requirements of in-person executive or closed sessions, as detailed in Board Bylaw – 0166 Executive Sessions, shall also apply to virtual executive or closed sessions;
- B. If a virtual executive or closed session is necessary, the Board shall use an appropriate mechanism that ensures the confidentiality of closed session, and Board members shall ensure members of the public, including family members, are not privy to the confidential discussions;

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- C. All practicable efforts must be made to conduct the virtual executive or closed session at the end of the public portion of the meeting. After announcing the executive or closed session at the public portion of the meeting consistent with the Open Public Meetings Act, the Board shall cease use of the virtual public meeting mechanism and initiate the use of a separate, non-public access controlled mechanism for the executive portion of the meeting; and
- D. If the board meeting must reopen to the public to take action following an executive session, the use of the non-public virtual meeting mechanism must cease and the board must again initiate use of a public virtual meeting mechanism.

Board Bylaw 0162 – Notice of Meetings
Board Bylaw 0167 – Public Participation in Board

N.J.S.A. 10:4-6 et seq.
N.J.S.A. 10:4-8(b)
N.J.S.A. 10:4-9(b)
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