

BOARD OF EDUCATION

Cherry Hill, New Jersey

POLICY 9322

PUBLIC AND EXECUTIVE SESSIONS

The board of education shall officially transact all business at a legal meeting of the board in accordance with New Jersey law.

All meetings of the board of education shall be open to the public with the exception of meetings to discuss:

- A. Any matter which by express provision of state or federal law or rule of court shall be rendered confidential;
- B. Any matter in which the release of information would impair a right to receive federal funds;
- C. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy, unless the individual (or all the individuals) concerned shall request in writing that the same be disclosed publicly. This includes information contained in pupil records, and any reports or recommendations concerning a specific individual.
- D. Any collective bargaining agreement or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the actual negotiating sessions with representatives of employee groups;
- E. Any matter involving the purchase, lease or acquisition of real property (land or buildings) with public funds, where it could adversely affect the public interest if discussion of such matters were disclosed;
- F. The tactics and techniques used in protecting the safety and property of the public, provided that their disclosure could impair such protection;
- G. Any investigations of violations or possible violations of law;
- H. Any pending or anticipated litigation or contract negotiations other than collective bargaining, and any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his/her ethical duties as a lawyer;
- I. Any matter involving employment, appointment, termination, terms and conditions of employment, evaluation, promotion or disciplining of any prospective or current public employee or officer unless the individual employee whose rights could be adversely affected requests in writing that the matter be discussed at a public meeting;
- J. Any deliberations occurring after a public hearing that may result in the imposition of a specified civil penalty or loss of license to an individual.

Such sessions shall be closed to the public and press, and shall be declared so by a formal motion at a public meeting. Minutes taken at such meetings shall remain confidential only so long as their publication would defeat the purpose of the executive session. 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 honor-bound not to disclose the topic or details of discussion at an executive session.

The board may invite staff members or others to attend executive sessions at its discretion.

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.

Public Participation

Meetings of the board are open to the public and all members of the community should feel free to attend. A time for public discussion on any school district issue that may be of concern to the residents of the district_ shall be included in the order of business at an appropriate time.

Grievances or complaints shall be considered by an appropriate administrator before being considered by the board.

Electronic Communication Among Board Members

The board of education believes that electronic communication among its members and the administration is an efficient and convenient way to exchange information, but must not be misused to deliberate issues that are appropriately discussed only in a public meeting. Therefore, board members and administrators shall exercise caution when communicating between and among themselves via electronic messaging services including but not limited to email, telephone communication, internet web forums and internet chat rooms. They should understand at all times that these communications may represent permanent school district records that can be subject to public disclosure. Electronic messaging communication shall conform to the same standards of judgment, propriety and ethics as other forms of board-related communication (committee meetings, telephone calls, etc.). Board members shall adhere to the following guidelines when communicating electronically:

- A. Board members shall use the district email system for any email communications involving board business.
- B. Board members shall not use email or any other electronic messaging service as a substitute for deliberations at board meetings. The Open Public Meetings Act defines a “meeting” as any gathering attended by or open to all of the members of a public body, held with the intent to discuss or act as a unit upon the specific public business of that body.
- C. Board members shall be aware that email and email attachments received or prepared for use in board business are likely to be regarded as public records that may be inspected by any person upon request, unless otherwise exempt or made confidential by law.
- D. Board members shall avoid reference to confidential information about employees, students or others in email communications because of the risk of improper disclosure.

PUBLIC AND EXECUTIVE SESSIONS (continued)

Page 3 of 3

- E. Board members shall adhere to the district “acceptable use” policy in all email communications and shall refrain from sending inappropriate, profane, harassing or abusive emails. (See Policy 6142.10 *Technology*).
- F. Board members shall not reveal their passwords to others in the network or to anyone outside of it, except to the system administrator. If any board member has reason to believe a password has been lost or stolen, or that email is being accessed by someone without authorization, he/she shall notify the chief school administrator immediately.

Legal References:

N.J.S.A. 2C: 33-8 Disrupting meetings and processions
N.J.S.A. 10: 4-6 through -21 Open Public Meetings Act
N.J.S.A. 18A: 10-6 Board meetings public; frequency; hours of commencement;
adjournment, etc., for lack of a quorum
N.J.S.A. 18A: 11-1 General mandatory powers and duties
N.J.S.A. 18A: 54-20 Powers of the board (county vocational schools)

Rice v. Union City Board of Education, 143 NJ Super 64 (1978)

Key Words

Board of Education Meetings, Public and Executive Sessions, Executive Sessions

Adopted: 8/21/95

Revised: 7/25/06, 6/24/08