

TOWNSHIP OF UNION BOARD OF EDUCATION  
WORKSESSION MINUTES – January 14, 2020

NOTICE OF MEETING:

The worksession meeting of the Board of Education of the Township of Union was held on Tuesday, January 14, 2020 at 7:00 p.m. at the Administration Building, 2369 Morris Avenue, Union, New Jersey pursuant to the notice sent to each member.

Mrs. Minneci called the meeting to order at 7:06 p.m.

PRESENT AT ROLL CALL:

Dr. Guy Francis, Mrs. Sherry Higgins, Mr. Ronnie McDowell, Mrs. Nancy Minneci, Dr. Kalisha Morgan, Mr. Vito Nufrio, Mrs. Linda Richardson, Mrs. Kim Ruiz, Mrs. Mary Lynn Williams

ABSENT AT ROLL CALL:

None

ADMINISTRATORS PRESENT:

Mr. Gregory Tatum, Mr. Gerry Benaquista, Mrs. Annie Moses, Mr. Manuel Vieira, Mrs. Ann Hart, Mr. Craig Wojcik, Mr. Barry Loessel, Mrs. Maureen Guilfoyle, Mrs. Sandra Paul

ALSO PRESENT:

Afshan Ajmiri Giner, Esq.  
Mr. Lester Taylor, Esq. (arrived at 7:38 p.m.)

Mrs. Williams led the Board in the Pledge of Allegiance.

Mr. Vieira read the statement required under the “Open Public Meetings Act”, a copy of which is on file in the office of the Board Secretary.

Mrs. Ruiz read the District’s mission statement.

Approval of Minutes:

Minutes will be approved next week.

Communications:

Communications are part of personnel.

Superintendent’s Report:

Mr. Tatum stated we have one student liaison here today.

Pedro Torres stated he is the sophomore representative. Navigating the “D-wing” is difficult are not in straight order so they offered a solution to the problem by putting up small mini maps on the wall to show you where you are to help you navigate. Also someone asked about mid-term schedules, why we only get off for lunch. You don’t get off for gym. Mr.

Tatum stated it has to do with making a legal school day which is four hours. Although there may be students doing an abbreviated exam schedule, we have to make sure you get the full four hours in otherwise it is not considered a school day as required. Who mentioned that they would put maps up? Pedro stated Mr. Hoyt.

Mr. Tatum stated next week we will have the HIB Report and SSDS Report, along with presentations from Connecticut Farms and Franklin Elementary Schools.

#### Education/Student Discipline Committee Resolutions:

Mrs. Ruiz gave an overview of the Education Committee meeting. I am honored to take over as chair to the Education Committee. On our agenda were several items – we have American Educational Consultants coming in to take a look at our high school schedule. They will be looking at how we can address the chronic absenteeism that we have in the high school, particularly first period. They will be looking at whether or not it will be better to change the schedule perhaps give our students more scheduling options and also how we can give our students more opportunities by creating more scheduling options.

I am happy to let everyone know that our district received the CAR grant, which is the Connection Action Roadmap. Only nine districts in the State got it. It is very competitive and that grant will allow funding for our school to allow our district to implement a system that approaches teaching from a skilled learning teaching process but not only for the teachers but for the students. With the grant, we will be able to implement, and every school in our district, different programs that will allow for the progressive teaching method. What is great is we have the funding and we have one leg up because eventually the State will mandate that all districts implement the CAR system and because we have the grant we now have access to consultants that will help us with implementing it and we are ahead of the game compared to other districts. Kudos to our lovely grant writer who got us the grant. We hope we will be able to present the resolution to the Board by February so we can start implementing it.

We also have more grants that are currently pending through the New Jersey Department of Education for computer science. On December 19<sup>th</sup> there was a grant submitted to seek funding for an AP computer science principles class. As part of the grant process you often have to show a partnership with a higher institution so Ms. Guilfoyle was able to secure that with Kean University as part of the grant application and show that if we get this grant we will be able to partner with Kean and our students will be able to take computer science college courses for credit. At the same time Kean was applying for a grant that would deal with computer science for professional learning and they needed a partner so they partnered with us on their grant so both grants are given to each entity and we not only have the students growing from the grants but also our teachers.

On January 16<sup>th</sup> the County Superintendent is coming to our district. February 7<sup>th</sup> the New Jersey Department of Education Commissioner is coming to visit our district. He tends to highlight schools that he visits.

Also we have the positive behavior support in schools program. All of our schools are fully engaged in this program and it is a program that supports RTI. RTI was looking at more

academic support systems. This program PBSIS will help our behavioral support system so this will help implement support systems for that. Every building has a PBSIS team. If you want to know the members of the PBSIS team for your children's school you can contact the administrator of that school and they will let you know. The purpose of the team is not only to look at the disciplinary, suspension, absenteeism, lateness etc. – using that data to implement the course system that will help to address those issues and hopefully correct them in a positive way.

Finally we have three teachers that applied for the Teacher Leadership Academy and all three were accepted - one from elementary, middle school and high school. These teachers will attend Saturday and afterschool classes which shows a tremendous commitment and dedication on their part. When they complete the academy they will receive a teacher leadership certifications. They grow their leadership skills and bring them back to our district and grow our district positively and hopefully implement in our buildings. Their tuition is covered by a Title 2A grant. The goal is always to help the district move forward so the skills they bring back they can share in their respective buildings and all the buildings in our district.

Mr. Nufrio stated with regards to first period attendance and absenteeism that exists. As you probably know, the State Education Department is conducting an extensive study with regards to possible delayed start for the high school. Have you had any communications from them as to input? Mr. Tatum stated not yet. They were doing a select group of schools this year and we don't have the results of that yet. This is an old body of research that says older students don't do well earlier in the day. When I was a middle school principal we changed the start time and it cut down on tardiness considerably. There is a lot of document research that supports that. We will have better guidance on how that is going to be implemented by the State of New Jersey. It was about five districts that they are following right now.

Mr. Nufrio stated I thought they also tried to gather additional data from those districts that were not selected to help them give a better understanding of what the problem is and the obvious problem is attendance. If they have as much information as possible, it might actually urge them to consider. Mr. Tatum stated the main reason why and this is probably across the nation about students in that age level – the real issue is what is the outcome of them trying this pilot program to see whether or not changing the time is really more effective, if the attendance is better, more academically focused by coming into school a little later - that is the feedback we will need to be able to use to look at implementation across the board.

Mr. Nufrio stated we talked about possibly considering a staggered schedule which could alleviate not completely alleviates the problem of attendance and we never went further with that. Maybe that needs to be considered by both the education committee, Mrs. Moses, Mr. Benaquista and yourself – that could possibly render better results. Mr. Tatum stated we should take a look at hard numbers and see where they are right now. I think there is a concern there and I spoke to Mr. Hoyt about this same topic.

Mr. Nufrio stated absenteeism would center around which grade levels that are the most obvious. Mr. Tatum stated correct. Dr. Morgan stated you should also look at the funding. There was an article in today's paper what Bridgewater-Raritan was doing and there was a \$3 million price tag attached to it. Before we talk about changing schedules, and staggered

schedules with teachers, you are going to be paying teachers over for extra classes or staying over a certain time. It is a contract, it is a negotiations tactic and there are a lot of things that go into this.

Mrs. Ruiz presented the Education Committee agenda.

#### DISCUSSION:

None

#### Fiscal and Planning Committee Resolutions:

Mrs. Richardson gave an overview of the Fiscal and Planning Committee meeting. We discussed the treasurer's report, secretary's report, where we stand right now financially. We have some challenges ahead of us because our funds are going to salaries, increased costs in special ed and related services – nursing, busing. The PERS cost has gone up and health benefits as well. As we look towards the next half of the year, it will be tough for the school district. As we look towards next year there can be other ways of saving money if we can come up with creative ideas and I'm not comfortable talking about it now because they are just ideas. There is nothing concrete but it looks like next year will be just as difficult. Not as difficult as two years ago but with just having the 2% cap and 7.6% increase in special ed costs on average, it leaves us at a loss.

Mrs. Ruiz asked what percent goes to salaries? Mrs. Richardson stated 80% - salaries and benefits, including pension costs – a yearly allotment that you have to send to the State for people are retired and currently in the system. Mr. Vieira is on top of it and looking for a plan moving forward. There are a lot of things that may come as we do next year's budget.

We also had healthcare benefits company come in and talk to us and they will come back to us with more information. It was an overview.

Dr. Morgan asked where are we with the budget? Mr. Vieira stated we have had some preliminary meetings. We have to have some discussions on plans for next year. Dr. Morgan asked did you meet with the schools to see what their needs are? Mr. Tatum stated that is our next step. We already have the preliminary budget recommendations from them but the next step is meeting with individual principals and department heads. We have met 2-3 times at the Central Office level and we looked at specific areas that we may be able to do some reductions and/or some exchange in terms of staffing versus contracted services and how we may be able to trim some excess. I do believe there are definitely challenges, not as bad as it was two years ago and I think if we look very carefully at where are deficits are right now, the process hopefully will be easier this year than it was the last two years only because we are looking at areas that are on the outer rim of what we'd be looking at in previous years. We have been pretty good about maintaining all of our programs. We have had some issues with staffing but again this might be one of those years where there is some tightening on some staffing issues. I think the other issues that we have to look at is how we can better utilize some of that money that is being outsourced to help things here. The process may be more simplistic. Jefferson School – that is all part of the reorganization and we know there is substantial money there. However, my committee and I have met and we are looking at a couple of other options. Moving forward we

will be meeting with the Town in the next couple of weeks to have informal discussion and also looking into new timelines.

Mrs. Richardson stated one of our other challenges is a shortage of bus drivers so they are looking for premium rates now because of the shortage. We can't estimate what it is going to cost because we don't know and we need them. Mr. Tatum stated part of the unknown is how many students we get that need out-of-district transportation and there is something else we are looking at right now and how we can combat some of those issues. We have to look at where our money is and how it is being spent and how are we going to better utilize it.

Mrs. Richardson presented the Fiscal and Planning Committee agenda.

Mrs. Richardson stated there is a walk-on resolution regarding a walking field trip on Friday to Caldwell Parsonage and Connecticut Farms from 3 p.m. to 5 p.m. that needs to be approved. We did discuss and Mr. Loessel would be in touch with the police department for proper crossing and area control to make sure students are safe.

Moved by Mrs. Richardson and seconded by Dr. Morgan; however, due to the lack of information and unanswered questions, the motion was withdrawn and it was decided that the walking trip would be postponed for a later date and that the transportation form be filled out with more accuracy.

Mr. Taylor arrived at 7:38 p.m.

#### Operations Committee Resolutions:

Mrs. Richardson gave an overview of the Operations Committee meeting. Mr. Loessel told us that the carbon monoxide detectors have been installed and the vaping detectors have been ordered. Mr. Loessel stated there are two brands out there – one only does vaping detecting and the other picks up vaping and if they try to cover up the vaping detector it detects light, humidity and 4-5 different gases like sprays and that is the one we got. The other one came with a cost of \$450 per year, this one doesn't cost anything except for the initial \$1,000 to purchase.

Mrs. Richardson stated Connecticut Farms parking lot is lined now.

Mrs. Richardson presented the Operations Committee agenda.

#### DISCUSSION:

None

#### Personnel Committee Resolutions:

Mr. McDowell stated the Personnel Committee met and had discussions and same will be discussed in executive session.

Mr. McDowell presented the Personnel Committee agenda.

**DISCUSSION:**

None

**Policy Committee**

Mr. Nufrio stated that Policy 9322 – participation in public meetings – indicates each speaker is limited to one appearance at not more than three minutes as opposed to the five minute previous stipulation. Three minutes in duration with a maximum amount of speakers may not exceed ten, hence all comments from the public will not exceed thirty minutes.

Mrs. Ruiz stated I have issues with the policy. I was part of the policy committee last year and this is the second time a proposed revised policy has been put on the agenda without the policy committee meeting at all. I know we didn't meet because I never saw this before and I didn't find out our committees until today this year. Who proposed those revisions? Mr. Nufrio stated I did not propose it. Mrs. Ruiz stated to ask for a first reading and the policy committee didn't meet and discuss it, to me that is problematic. The language that it proposes is problematic in my opinion. I would respectfully request that this be pulled from the agenda until the policy committee can meet.

When we talk about transparency we have to be transparent and putting something on an agenda when the committee didn't get to look at it or talk about it, is not transparent. We literally found out about it when the public found out about it.

If we are going to have committees, then our committees should meet for their issues and if you are going to put a policy on an agenda and the committee didn't get to meet on that policy, the committee is pointless. We are undermining the committee. I would respectfully request that this be pulled from the agenda so that Mr. Nufrio can schedule a meeting with the policy committee, talk about it and then put it on the agenda.

Dr. Francis asked who proposed the changes? If I'm not mistaken, if you are going to make any changes in a policy shouldn't there be a motion to make those changes? Or can the policy committee in themselves decide on what policies are going to be changed. How does that work?

Mr. Taylor stated I don't know if the committee met or didn't meet. There are usually 3-4 members on a committee. You may not have been there but I don't know if the other members were there. Mrs. Ruiz stated I never got notice of a meeting. Mr. Taylor stated the Board operates on a committee based system but there is no prerequisite from a legal or ethical standpoint that a proposed policy change or any other recommendation from a Board member being reviewed by a committee prior to it being moved on a floor at a regularly scheduled meeting. Technically, is there a committee? Yes. Can or should matters be reviewed in a committee first? Sure. Do they legally and ethically have to be? The answer is "no". Any Board member can make a recommendation or to revise a bylaw or policy. It is listed on the agenda so pursuant to your bylaws and policies, it is appropriately on your agenda which was prepared by your Superintendent and Board President. So pursuant to your policies, this is procedurally correct. This is only the first reading. The first reading is to do what you are doing now – to discuss whether you agree with it, whether you disagree with it, whether it can or

should be changed or modified. At the second meeting, it can be voted up or down. If there are additional proposed modifications to the proposed change in the bylaw or policy that are ministerial in nature, changing something minor, that can still be voted on and if it passes it can be approved. If there are substantive changes, it would have to be moved to a third meeting because the changes at the second meeting would become the first reading essentially.

Whether there was or wasn't a committee meeting, this is procedurally proper because it is listed on your agenda and it is a first reading for discussion that you are having right now.

Mrs. Ruiz stated I hear you but my issue and concern is what is the point of having a policy committee if the policy committee is not going to review policies that are up for a vote? That makes no sense whatsoever. If you have a policy committee that is supposed to be reviewing policies then recommending changes and/or additional policies, it is logical that the committee meet before the recommendations are made. For committee members to find out about proposed revisions to a policy at the exact same time that the public is finding out makes the committee seem null and void, like we have no purpose. That doesn't make any sense.

Dr. Morgan stated that it is not unethical – I disagree with that. Mr. Taylor stated I just want to reset everything because it sounds like there is an answer and the answer is there was a committee and it was discussed. Mrs. Williams stated we did meet.

I didn't have the policy number and I said I was going to follow up with you on Friday. I had a personal issue so I did not. But by the same token, no one came to me and said Mary Lynn, I didn't hear from you what is going on. I apologize. Mrs. Ruiz stated the meeting you never texted me about. Mrs. Williams stated and I apologized for that.

Chatter from audience. Mrs. Minneci stated I respectfully ask you to hold your tone down, you will have your time to make your comments.

Mrs. Ruiz stated this meeting – I never got an invitation to and Mrs. Regis-Darby who was also on the policy committee at that time, was not able to attend either because we got last minute notice about the meeting. Then it was just you and Mr. Nufrio. Mrs. Williams stated it was me, Mr. Nufrio and Mrs. Minneci. Mr. Nufrio stated it was indicated that Mr. Tatum was apprised. Mrs. Williams stated yes. Again this is something that other districts are doing. When we went to Atlantic City, it was something that other districts were doing. This is a first reading and we are here to discuss it.

Mr. Tatum stated I want to clarify something that Mr. Nufrio just said. Many times there are policies that are being discussed among the policy committee but whenever policies are proposed, when they appear on the agenda, I'm under the assumption that it has been discussed and/or vetted by the committee. I don't question the Board when something like that is put on the agenda because you are the policy makers. There were a couple of other policies that I requested also be looked at during this time period. I knew there was a discussion about this policy but as to the content of the policy was at the same time that the agenda was formulated. There was a discussion about this but I was not in the policy committee. I never am for that matter. The only thing that I will say is once a policy has been formulated and finalized, I can

make a recommendation about the policy. This policy was under discussion, it had something to do with what you learned down at School Boards and that is it. There was no active participation by me. I was more concerned about another policy that I have been hammering away about for the last 2-3 years. I'm more concerned about that than this. No matter how many minutes a person gets to speak, they always get me after it is over with so your three minutes could mean three hours for me depending on who it is and the topic.

Mr. Taylor stated because it is first reading, one of the modifications that I would recommend is it says "regulation" on the top, it should say "policy". Mrs. Ruiz stated will you entertain a motion to pull this from the agenda. Mrs. Minneci stated I will entertain it. Mrs. Ruiz asked may I make that motion? Mrs. Minneci stated can we finish this. Mrs. Ruiz stated no because he is recommending changes and if we pull this from the agenda we don't need those recommendations right now so that all members of the policy committee can meet and discuss it because not all members had an opportunity to discuss these proposed revisions. Mr. Nufrio, the policy committee chair, can give us timely notice so we can get together and discuss.

Moved by Mrs. Ruiz, seconded by Mr. McDowell, that Policy 9322 – regulations be pulled from the agenda.

#### DISCUSSION:

Mr. Nufrio stated it was not intended to put you on the spot. I asked Mrs. Williams specifically. It was I who brought it to Mrs. Williams attention that inadvertently, without malice or any mal-intent that Mrs. Ruiz was not informed of the communication. Other than that I said was Mr. Tatum involved in any discussion you may have had and the discussion was yes. Mr. Tatum stated not content. I want to make clear is that I understand that somewhere it was said that I made the change and that is not.

Mr. Taylor stated Mr. Tatum and I did have a conversation and this will not divulge attorney/client privilege but it is essentially one of those when and where and how he should "stay in his lane" and I say that respectfully. In this instance it is a bylaw of the Board. It really isn't his lane, doesn't affect day-to-day administration of the school district, it doesn't affect academic achievement, test scores, etc. It is a bylaw of the Board. He said guess what no offense I will stay in my lane, this is for the Board's deliberation and discussion about how they want to conduct their meeting. The law simply requires that a portion of every Board of Education meeting be set aside for public comment. It doesn't say it has to be 5 hours, 2 hours or whether 5 minutes is too short. Thirty minutes is a reasonable period of time that other school boards across this State do employ for the public comment.

I just want to make sure the record is "clear" so that everyone has a fair understanding when they walk away from this. With respect to committees, there is no legal or ethical obligation that every committee member attend every committee meeting because you are aware you have missed and other colleagues have missed meetings and business has still gone forward. Mrs. Ruiz stated but notice is important. Mr. Taylor stated that is a separate issue. The fact that someone didn't attend a meeting isn't a precedent to say that action can't go forward for the Board. Whether people got notice etc., I can't opine on that and that is not what I'm commenting about. I'm just trying to make sure that the decision that you are making is

informed and it is a simple first meeting. If you pull it, this is really a simple issue. It appears that there was meeting, it was last year and whether people were there or weren't there, you can move forward and if you get to revisiting this issue, it really is a very simple governance related issue in terms of your meeting.

Mrs. Ruiz stated I don't see this as simple. Mr. Taylor stated I'm not saying simple from a trivial standpoint, I'm saying from a procedural standpoint. It is a simple bylaw. If you want to make it 10 hours or half an hour, it is your prerogative as a majority of the Board.

Dr. Francis asked is this for the public to speak about what is on the agenda or this the public speaking after the meeting? Which one is this for? Mrs. Minneci stated it is public comment before and at the end – it applies to both but not 30 minutes combined.

Dr. Francis asked is this a violation of the Sunshine Law? The Sunshine Law says we can determine the amount of time but it doesn't say anything about limiting the number of people speaking. If you are going to say we are only going to take 10 people, are you going to pick and choose who the 10 people are? I think that disenfranchises the public. I think that is why I have a problem with it.

Mr. Taylor stated this bylaw doesn't reference whether it is one or two sessions so perhaps that should be added to it. If your practice in your agenda has two public comment periods, which a lot of boards do and a lot of boards don't. Some boards only have one public comment period whether it be an agenda item or an item of just general public concern, they have one session. Others will have two, agenda items at the beginning of the meeting before the board votes on them and the second one is about whatever else is happening in the world that the person wants to talk about.

The law simply says a portion of the meeting has to be set aside. To the extent that a board of education says that we are going to have a 30 minute period and each member only gets 5 minutes, whether they say six people or not, if each person takes their five minutes, only six people can talk. There is no illegality of saying that. Picking and choosing, some board say you have to sign up by 11 o'clock that day. If you don't come to the office or send an email you can't talk. Other boards have a sheet when you walk in and that system whoever signs up first gets to speak. There is no disenfranchisement intended per se and/or one that can legally be pursued as long as that opportunity was given an opportunity whether it is five minutes or two hours for the public to comment.

Mrs. Ruiz stated can we have a vote on the motion that is pending.

Dr. Francis stated this is a bylaw so it requires a super majority? Mr. Taylor stated a bylaw requires a majority.

Dr. Morgan stated I keep on hearing New Jersey School Boards – they make recommendations. We don't have to follow everything that they give us. It should have been a recommendation to the policy committee. I'm hearing that it was with two people. I wasn't there, whatever, I just think that us hearing it with the public is not fair.

Mr. Nufrio stated as the new chair, if I was to recommend an amendment to this policy, is that permitted? Mr. Taylor stated yes, any Board member has the authority to recommend a change because it is a first reading and that is what first readings are for to make changes to the proposed amendment whether it went to committee or not. This is a bylaw. Right now the issue on the floor is whether to pull it. If it is not pulled we go back to the conversation about changes, if it is pulled then we can hold it for committee and/or the next Board meeting - whenever it is on the agenda.

AYE: Dr. Francis, Mrs. Higgins, Mr. McDowell, Dr. Morgan, Mr. Nufrio,  
Mrs. Richardson, Mrs. Ruiz, Mrs. Williams, Mrs. Minneci

NAY: None

ABSTAIN: None

MOTION CARRIED

Mr. Nufrio stated since it has been pulled and it is a moot point to recommend any amendment so we will do it in committee.

#### Residency Committee Resolutions:

Mrs. Williams presented the Residency Committee agenda. Two hearings were held today and the Board will be updated during Executive Session.

#### Technology Committee:

The Technology Committee did not meet.

#### Approval of Bills:

Bills will be approved next week.

#### Unfinished Business

Dr. Morgan stated I see that there are a number of fundraisers in F-11 and the presentation by the auditors they mentioned that the moneys weren't being deposited in a timely fashion. I want to know if that is happening and who is responsible for making sure that is happening. Mr. Vieira stated it is happening. The school administrators are aware. We have a student activity instruction manual that they are following.

Mrs. Ruiz stated I know we are interviewing for a CAD teacher. It is January 14<sup>th</sup> and I just want to know if we are any closer to finding a replacement. Mr. Tatum stated the process is continuing – yes. It will be completed when I give you the recommendations to vote on it on the agenda.

Dr. Francis stated maybe they can work on the policy that allows you to get more qualified candidates for skilled teachers. Mr. Tatum stated that would be nice. Mrs. Minneci stated Mr. Nufrio they will send that policy to you.

### New Business

Mrs. Ruiz stated vaping issues and I know Ms. Hall has gone to workshops so if there are anyone interested there is a free workshop on January 23<sup>rd</sup> – called Vaping and Concentrates. I have the flyer so I can email it and you can share it with the schools. Free is good.

Mr. McDowell stated that he ask that all Board members use their township email address and not their personal email. If you get OPRA, your entire email is open to investigation. Several members are still using their personal email address. I strongly suggest you use your board of education email address.

Mr. Nufrio stated in the past both were listed so the public had an opportunity to reach out. Mr. McDowell stated they can reach out to us at our school email address. I'm speaking from experience.

### Comments from the Public:

Mrs. Regis Darby stated between 25-2600 students at high school, 3-500 students at each elementary school, between 4-500 students at the middle schools – administrative leadership, board president and vice present should be ashamed of themselves for trying to implement such policy. As a parent, as a private citizen, who has a daughter in our school, the administrative leadership, board president should be embarrassed for trying to silence parents, community members and stakeholders right for freedom of speech. It is my belief if members of the board had children in our schools, they will think twice about silencing the voices of parents. This is part of our job or commitment of an administrative leader or board member. If the meeting takes 20 minutes or 6 hours, it is your obligation to listen to the parents of this community. Mr. Tatum this is your agenda. I am asking you to not put this policy back on the agenda.

Also about three months ago a survey was sent out to parents and as a parent I would like to know the results of that survey. I think it doesn't take three months to do the data for the survey.

Parents are asking about updates of the pathways program. They are trying to make decisions on where they want to send their children for high school.

Also do we know how many special education students are in our district? I have been asking for that number for four years and nobody has given me that number in four years.

Also I know someone earlier asked the question about the budget, I would ask that the special education accountant present to the board of education and the public before that school budget is being approved any board member.

When I was on the board I was silenced from asking this question, is the school district in compliance for all IEP's in our district?

Mr. Tatum stated I would like to respond to the agenda issue. This is indeed my agenda because it was changed to say that all recommendations was the superintendents and that was done by the Board – that was a board action. I take responsibility for that because that is my

obligation. But I work for the Board, they don't work for me. I don't have control over what Board members have authority over to do and what they don't have authority to do. Yes this agenda is mine in theory but there are three people by law that causes this agenda – myself, the board president and the Business Administrator. At the end of the day it comes out as we being the responsible party, as the leader of the district, but it is in collaboration with those individuals and our attorneys. Mr. Taylor do you have anything else to add to that – I want to make it clear as to what my responsibilities are or not. Mrs. Regis-Darby stated at the end of the day when something happens in this district, everyone points the finger at you. Mr. Tatum stated that is exactly right.

Mr. Taylor stated statutorily, legally and ethically, the board members have three functions – hire a superintendent, adopt a budget and set policy; simple as that. Setting policy, whether the policy says it is the superintendent's agenda or not, does not require the advance approval of the superintendent for a board member to recommend policy changes and/or amendments or updates. It is their obligation statutorily and ethically to monitor policies, update policies etc. but it is also the superintendent's obligation legally and ethically to make recommendations as well on policies that might need to be updated and in his "lane" about personnel, finance, fiscal etc.

The process that was followed this evening as outlined was done in accordance with law and in accordance with policy. You heard Mr. Tatum say he was consulted about the policy. You heard the chair and vice chair say that there was a meeting. Whether it was noticed or not in advance, that was a separate issue.

Member of audience started talking. Mr. Taylor stated respectfully you are familiar with the public comment period, it is not a back and forth, the board lets you speak, it really isn't a debate. I'm really trying to be respectful of you, please be respectful of the process. The board through its attorney is trying to respond to the questions and issues that you raised. With respect to that process, everything was done appropriately. The process worked because at first reading there were questions and the board unanimously voted to pull it. This really isn't that major of an issue because it shows that you were a high functioning Board. There are some disputes, some dissensions and you pulled it to kick it back to committee; that is how you should operate. This is a step in the right direction on this particular issue and everything was done legally and ethically appropriate by all interested and involved parties.

Mr. Nufrio stated would it then be advised to change the wording which follows policy committee format. Please look at it Mr. Taylor and advise this Board if that wording should be amended. The Board sets policies. There may be policy that will directly impact the superintendent – some will, some won't. It is a little bit of a conundrum as to how to word that properly. Is that wording o.k.? To me it sounds like the superintendent is making the policy. Mr. Taylor stated you are referring to page 8(1) – it reads "upon recommendation of the superintendent of schools, the policy committee presents the following policies for the boards consideration". I would recommend that it say "upon recommendation of the Policy Committee and/or Superintendent of Schools". It can go either way. Mr. Nufrio stated some policies will impact indirectly and some will not. Mr. Taylor stated correct – even if there is a policy that talks about attendance of teachers, arguably, legally and ethically – that falls under his

supervision – teachers report to him. Nothing stops the Board from wanting to update, modify, amend, tighten, loosen that policy – you have that authority to do that – with or without his recommendation. However, you Code of Ethics does say that the Board should consult with those who will be affected by the policy. Consult doesn't mean they have to agree. You consult with them, you get their input, their recommendations based upon their experience; however, we disagree, if it is legal and ethical to do something that you might not want to do, guess what we can still do that - simple as that.

Mr. Nufrio stated “and/or” either one can – something will be his recommendation others may not be. Mr. Taylor stated that is correct. Mr. Nufrio stated that is only for the policy committee because all others are still in your lane.

Selina Cordoza stated I understand the three minutes but I don't think you should limit it to 10 people because I as a grandparent, if I come in and I want to say something or ask something, I pay taxes, I should have the right to say it because we live in a free country. God bless us. There are people in other countries that can't speak their mind and what you are doing is taking away our right to voice our opinion or ask a question. If I don't get to talk I'll go visit Mr. Tatum. I think whoever comes if they want a question answered they should be allowed to speak. I understand to limit to the three because sometimes people come with the same thing over and over again. I think everybody should be heard.

Cathy Sharpe stated I noticed on tonight's agenda that there were two letters of resignation for paraprofessionals. When a full-time para retires or resigns, is that position offered to the next senior part-time para? Mr. Tatum stated it really depends on the area that we have to fill, the expertise of the person. For a student that is door-to-door, that becomes a full-time person. We look at qualifications and procedurally we have been looking to people within. Mrs. Sharpe asked would they be taken from the people within before you look outside? Mr. Tatum stated yes. We go outside when we don't have what we have here. There are some children that have needs that are beyond the scope of some of the people that we have. If we have someone in house that has the expertise, we will certainly give them the first priority.

Maria Sarano stated I would like to say as a parent of a child at Jefferson, I am asking you to reconsider limiting the amount of parents that come and express themselves. I would also like to understand why something is now on the table? As a parent I would like to understand the reason for such change. Should this go through I would like to understand what your plan is for insuring that all parents are heard? Mrs. Minneci stated we will get back to you. Mrs. Sarano stated you are unable to explain to speak to why it is? Mr. Taylor stated the public comment period is an opportunity for the public to comment. The Board typically will respond, if they can, legally, ethically and intelligently – meaning they have the information to respond, after everyone else speaks so we don't have a half hour conversation with you while other people are still waiting. Since the policy is going back to committee, what the Board President was intending to say is the explanation for the change, if any, will be explained if and when it is represented. It might not make it back out of committee. There may not be much to talk about.

Mrs. Lipstein stated since you pulled that policy, I would expect that it never sees the light of day. For 30 years I have been coming and speaking and if it goes a little late, that is

democracy. I don't care what other districts do. This is not how we do it here. It is a freedom of speech issue. I am going to quote people that are more articulate and knowledgeable than I am and I think anybody that is here. Universal declaration of human rights – everyone has the right to freedom of opinion and expression. Freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless. The second quote – restriction of free thought and free speech is the most dangerous of all subversion. It is the one un-American act that could easily defeat us. That came from a Supreme Court Justice. This one is this is slavery not to speak ones thoughts. You can pick and choose which types of freedom you want to defend, you must defend all of it or be against all of it. If there be a time to expose through discussion a falsehood and fallacies to advert the evil the remedy to reply is more speech not enforced silence. I don't care if we can do this, if you can legally do this, you shouldn't. It is against the spirit of the framers of the constitution and the amendments that we have in our country and what the veterans fought for – freedom of speech. And we are going to sit here and say we don't want a meeting to go more than thirty minutes and I could keep going.

Jill Hall stated F-16 – I would love to know and I'll reach out to Ms. Conti, how Innovative Therapy Group is different from ESS which is already costing a ton of money. At \$37 an hour, that is 3243 hours of therapy and that is 80 weeks of full-time therapy; that is a big number. I'm a therapist so I can ask that question.

Tomorrow night, due to the generosity of the Board and Mr. Hoyt to his commitment to school climate and culture, we are bringing in a full-day program. In the morning the students will be seeing Rachel's Challenge. Larry Scott is the uncle of Rachel who was killed in the Columbine massacre. They will be speaking to our kids about anti-bullying, social responsibility, compassion, empathy, kindness – a little of which I would like to see more in this room – I think it would improve school culture over there so we need to start here.

There will be a follow-up program for a selected group of students in the afternoon because we didn't want it to be wow that was a great assembly but nobody talks about it again. There is an extension program that goes with it so we are going to train eight teachers and 60 students in order to extend it out.

Tomorrow night there is a program for the parents. The kids at the high school will be seeing it. We invited everyone from pre-k to 12 to come out and see this. Very inspiring program and it is very difficult and it will start very hard conversations but conversations that really need to be had.

Elsie Macki stated when it comes to Genesis and out-of-district students, who maintains the upgrade of it? My son is listed as being in 9<sup>th</sup> grade and he is in 10<sup>th</sup> grade. When it comes to the IEP, the website doesn't give us the documents for our kids. I had a meeting today and I forgot my binder of his stuff and went into Genesis and could not access his IEP. We are not able to access these reports and there was no data listed – I couldn't access State testing. What is the issue, the program, the technology, why are we not able to access this information? Out-of-district students do belong to the district, if we are doing for one we should be doing for all. If it is a system issue, it needs to be addressed. The other thing is out-of-district students getting emails, just because they are not in district, they are still part of the district so they should have a

township email address and that still hasn't happened yet. The last one – budget season is coming up – as it pertains to special education that you communicate with the community any pending issues. When you are blindsided it causes a divide within the district and it shouldn't be like that. If you can figure out an effective way to communicate what is going on so that as a community we can all come together and try to figure it out. We need to do something different. We should be notified. Let us know so we can work together.

Ann Margaret Shannon stated about the paras, do you approach those part-time paras or do you expect them to look through the posting every day? I would hope you have a list of part-time paras and you approach them.

E-2 – I can't believe there is another student club on here when we don't have a contract yet. We have to do something with these clubs because they shouldn't be on there.

The PERS – I thought I heard it has gone up which I can't understand so if someone can explain that to me because so many of our paras lost their PERS account.

Three to five minutes, I'm lukewarm on that. I'm totally against the finite ending time. I don't know how many thousands of people we have in this district, to limit it to 10 is absurd to me. I would ask that you limit the Board's debates during public comment. I understand if the Board President or Superintendent may give a response but sometimes we get into "what if we do this, what if we do that?" – I would love it to just be public comments.

Since September I have been working with Mr. Loessel on a number of healthy and safe building concerns. The process has been very slow and I would urge you to please give Mr. Loessel all the possible resources he needs to take care of those issues that he and I have been talking about.

I spoke about this a number of times about working with the UTEA on joint projects and financial help. I went to the PTA presidents meeting last night and I explained some things that we do. We are looking to do a Friday Night Lights – to have students come to the football field in May, sit on the field, promote reading; maybe get some high school kids to read to the little kids. Whenever we finally pull that off, I will let you know and I hope you will come and enjoy it.

Suehay Monge stated regarding the policy it is the most absurd thing that I have heard especially since the goal here is to silence the parents, the community that this Board serves. More importantly, the students because let's talk about the walk, all the other times the students come here and want to speak, so the first ten students get to speak – what about a child that has special needs and he is not processing as quickly – is three minutes enough? It is not going to be enough.

We have Board members that will talk and talk and talk back and forth. They get to talk and we the stakeholders, the parents that have kids in the district, are limited to three minutes – absurd.

I would like to know the policy that the UTEA has as it pertains to clubs because from what I know and I hope it is not this club that was started at the high school but I don't understand what the issue is about having clubs – I would think it would be a positive thing especially if they are being attended with 50 or more students. I don't understand what the issue is. I hope someone can explain it to me. I will have a big problem if a new club was started that has over 20-30 kids, whether or not the teacher is being paid or volunteering, gets pulled because of a policy issue that makes absolutely no sense. Maybe that is a policy that can be put on the agenda to be looked at because I have a student at the high school that has not wanted to join any clubs and they finally opened a club that peaks his interest because he is on the spectrum and there are several other students on the spectrum that is in that club and to now say that is an issue, I want to know what that policy is because if it is a policy that is hurting students, it shouldn't be in there.

Libby Galante stated the policy that tabled, when I heard about this I was shocked. As I looked into it I was saddened and totally disgusted. I understand the facts of the three minutes. When people come up to speak and you have your thoughts together, you can say a lot in three minutes. That is how far my agreement goes. To tell people that they are limited to ten speakers, in a district this size, in a community that over 60,000 people, you can't tell people that they cannot speak. The only reason I could come up with why to limit is either the meetings run so late or you really don't care what the community says. The community are the people that elected you. I'm not saying I agree with every person that comes to the microphone or can't say I agree with everything the Board does but I still feel that everyone, no matter what our opinion, has the right to be heard. I think you have to look into all aspects before you say what you are going to do to this Town because it really is not good.

Mr. Monge stated F-16 – I agree with Ms. Hall – you are talking about an annualized cost of \$240,000 and you are at the second half of the budget year and you are coming out with \$120,000 new budget item. The agreement starts December 16<sup>th</sup>. Has expenses already been incurred and you are voting on something based on services that have already been incurred? That would be ridiculous. In general, when things like this go on the agenda, people need to read these things.

The vaping sensors – that is fantastic for the high school but you should also consider it for the middle schools.

The budget – Murphy eliminated the ability to exceed beyond the cap so you have what you have. Manny has talked about this over the years as far as expenses trending higher than income, people always look to special services and trying to bring services in house to be able to save money. If you can't bring the kids in and provide them a proper education, don't bring them in to save money. Please keep that in mind.

You heard the auditors, you have a half a million dollars and you got to do something about it. If you are capped, if you do a bond, you have to do it based on the long-range facility plan.

As it pertains to the policy, people say a lot of great things, I started pulling policies from other districts – Westfield, Cranford – they didn't have time limits, one even said you can come back around. The Board President is able to manage meetings and with all due respect, the lawyer is not supposed to be managing the meeting. You are the President of the Board and you should be managing these meetings. I don't know Ms. Williams how you came up with this – I personally feel there was intent behind all of this and I would love to hear it. This is obviously unjust and again pull it. You are the Board President and if you want to cut me off you can cut me off all you want. Mr. Taylor you take more time than you really should.

Nancy Zuena stated I would hope that you would address that policy and allow the public to speak at the meetings. I think I would be 13-14 tonight and not to be able to speak would be upsetting if I sit here for a 2-hour meeting.

When Barry was talking about these vaping devices, are they in areas that children are vaping or are they in hallways, cafeteria or bathrooms? Mr. Loessel stated we are putting them in the bathrooms. If they work out we will do the other schools.

Mrs. Lopes stated I'm still asking to have my taxes lowered. I hope you are addressing the budget, don't wait until the last minute than it is too late and everybody is at each others throat.

Chasity Santana stated last Friday and everything I'm saying is allegedly – when I picked up my son from school, he said I should be really proud of him because the reason why he didn't buy an edible in the bathroom is because he is really scared of me and his dad. I went numb. I started thinking about the vaping issue and maybe we need some in the middle schools because now it became reality to me.

We will still come up here but we will just talk faster but you can't limit the number of people that come up here.

#### MOTION FOR EXECUTIVE SESSION:

Moved by Dr. Francis, seconded by Mrs. Ruiz, that the Board go into Executive Session at 9:01 p.m. to discuss the following subject matters without the presence of the public in accordance with the provisions of N.J.S.A. 10:4-12b.

- Matters rendered confidential by state or federal law.
- Pending or anticipated litigation, contract negotiation and matters falling under the attorney-client privilege.
- Matters involving employees and terms of their employment and contract.

Please take notice that minutes will be taken of the discussion conducted during the executive session and the Board will disclose the minutes of the executive session when the disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best

interests of the Board of Education and provided that such disclosure does not violate federal, state or local statutes and does not fall within the attorney/client privilege.

Action may be taken when the Board reconvenes in public session.

AYE: Dr. Francis, Mrs. Higgins, Mr. McDowell, Dr. Morgan, Mr. Nufrio,  
Mrs. Richardson, Mrs. Ruiz, Mrs. Williams, Mrs. Minneci

NAY: None

ABSTAIN: None

MOTION CARRIED

The Board returned to public session at 10:04 p.m.

Upon recommendations of the Superintendent of Schools, the following resolution was moved by Mrs. Richards, seconded by Mrs. Williams:

**WHEREAS**, the Union Board of Education (“Board”) is a local board of education duly organized and existing under the laws of the State of New Jersey; and

**WHEREAS**, Employee ID# 11836 (“Employee”) is employed by the Board as a teaching staff member; and

**WHEREAS**, the Superintendent has presented evidence in support of his determination that Employee has displayed a deviation from normal mental health; and

**WHEREAS**, the Superintendent has recommended to the Board, based upon said evidence that Employee submit to a medical examination as to determine Employee’s fitness for duty; and

**WHEREAS**, the Board has heard and reviewed said evidence and found it to be credible and sufficient to support a reasonable belief that Employee’s ability to perform his duties as a teaching staff member is impaired by a possible medical condition; and

**WHEREAS**, N.J.S.A. 18A:16-2 allows a board of education to require its employees to submit to a medical examination and N.J.A.C. 6A:32-6.3(b) permits a board of education to require an employee to undergo an examination “whenever, in the judgment of the district board of education, an employee shows evidence of deviation from normal mental health.”

**NOW, THEREFORE BE IT RESOLVED** that the Board, in its judgment, has determined that Employee shows evidence of deviation from normal mental health and the evidence provided by the Superintendent supports his recommendation that the employee submit to a medical examination; and

**BE IT FURTHER RESOLVED** that the Superintendent, on behalf of the Board, shall provide Employee with notice of the Board’s action and a written statement of reasons.

AYE: Dr. Francis, Mrs. Higgins, Mr. McDowell, Dr. Morgan, Mr. Nufrio,  
Mrs. Richardson, Mrs. Ruiz, Mrs. Williams, Mrs. Minneci

NAY: None

ABSTAIN: None

MOTION CARRIED

MOTION TO ADJOURN:

There being no further business before the Board in public session it was moved by Dr. Francis, seconded by Mrs. Williams, that the meeting be adjourned at 10:09 p.m. All present voting YES MOTION CARRIED

RESPECTFULLY SUBMITTED,

MANUEL E. VIEIRA  
BOARD SECRETARY