

East Newark Board of Education, 501 North 3rd St., East Newark, N. J. 07029

The **Special Public Meeting** of the East Newark Board of Education was held on September 3, 2020 at 6:15 p.m. Via [Zoom](#).

Agenda

I. Sunshine Statement/Call to Order/Flag Salute –

In accordance with the Open Public Meetings Act, *N.J.S.A. 10:4-6 et seq.*, adequate notification of this meeting has been provided by advertising in the Jersey Journal and posted at the Borough Clerk’s Office.

BOARD MEMBER	PRESENT	ABSENT
Ms. Goncalves (Brigite)	X	
Mr. Balsam Jr. (Mark)	X	
Ms. Lopez (Johanna)	X	
Ms. Slattery (Valeria)	X	
Ms. Fernandes (Carla)	X	

II. Executive Session (as needed) None

Executive Meeting was read by _____.

Be It Resolved, that the East Newark Board of Education hereby adjourns to Executive Session in compliance with the Open Public Meetings Act, *N.J.S.A. 10:4-6 et seq.*, for the reason(s) identified below. The minutes of the discussion during Executive Session will be available to the public when such minutes have been approved by the Board of Education pursuant to *N.J.S.A. 47:1A-1.1 and the need for confidentiality no longer exists.*

- a. Matters rendered confidential by Federal Law, State Law, or Court Rule
- b. Individual privacy
- c. Collective bargaining agreements
- d. Purchase or lease of real property if public interest could be adversely affected
- e. Investment of public funds if public interest could be adversely affected
- f. Tactics or techniques utilized in protecting public safety and property
- g. Pending or anticipated litigation
- h. Attorney-client privilege
- i. Personnel – employment matters affecting a specific prospective or current employers

Enter Executive Session: Motion _____; Second _____; Voice Vote _____.

Exit Executive Session: Motion _____; Second _____; Voice Vote _____.

III. Public Comment

None

V. Superintendent’s Report:

- I am dismayed to report to the Members of this Board that outside political influences are attempting to dictate to this Board and influence the appointment of personnel which is in the sole discretion of the Board. This Board of Education is an independent body established under NJSA 18A:9-2 and is the only entity permitted to make personnel appointments in the District, with most of these appointments

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subject to the recommendation of the Superintendent of Schools. This Board must maintain its statutory independence from outside influences.

- As such, I am advising this Board that I will be submitting a complaint and supporting documents to the New Jersey Department of Education's Office of Fiscal Accountability and Compliance seeking an investigation into the inappropriate actions targeting this Board and its operations. The Office of Fiscal Accountability and Compliance, or OFAC, is the investigative arm of the Department of Education. OFAC can make factual and legal determinations into the extent of all inappropriate influences towards this Board. ☐ To ensure future board independence from outside political influence, I am recommending that our Board of Education transition from a Type I to a Type II district. This will allow board members to be elected to their position rather than being appointed by the Mayor. Additional benefits include:
 - o Encouraging community and parental involvement
 - o Ensuring that board governance is a democratic process
 - o Increasing the number of board members to better represent the community
 - o The elimination of the board of school estimates. Only budgets over 2% will be require a plebiscite.
 - o Ensuring an independent board, one free of outside political influences.
- I have wanted to make this change for years, however I could never muster a majority of votes from the board of education required for the change. I believe our current board understands the benefits of this transition and I look forward to your affirmative vote on the resolution.
- Yesterday, at the teachers' orientation, I mentioned that this evening the board would be considering a resolution to transition from a Type I to a Type II district. Teachers were very enthusiastic and many appalled this effort. They understand that our children benefit when the board is independent.
- This is a "Win –Win." By passing this resolution, everyone benefits; our parents, community and particularly our students.

VII. Resolution 09-824-20:

WHEREAS, this Board has been designated a Type I District pursuant to N.J.S.A. 18A:9-2; and

WHEREAS, in order to provide the residents of the Borough of East Newark the ability to directly select the members of this Board, which this Board has determined to be in the best interests of the residents and students of this District; and

WHEREAS, N.J.S.A. 18A:9-4 provides that this Board is permitted to seek a ballot question of the residents of the Borough asking the residents to reclassify this Board as a Type II elected Board without a Board of School Estimate; and

WHEREAS, N.J.S.A. 18A:9-5 provides that upon the adoption a resolution by this Board, the Board shall provide the East Newark Borough Clerk with a copy of the resolution requesting the ballot question for inclusion on the next municipal or general election; and

WHEREAS, N.J.S.A. 19:60-4 provides that the Board Secretary shall provide the county clerk with a statement designating any public question to be voted upon by the voters of the district.

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WHEREAS, N.J.S.A. §19:3-6 requires that submission of a reclassification question on the ballot include an interpretive statement that informs voters an explanation of the change of from a Type I to a Type II District; and

WHEREAS, N.J.S.A. §18A:9-9 provides that if the voters of the district elect that the district shall become a Type II district, it shall thereafter be governed by the provisions of a Type II districts.

NOW THEREFORE BE IT RESOLVED that the East Newark Board of Education authorizes the Superintendent of Schools and the Board Secretary to draft a ballot question and interpretive statement seeking to reclassify this Board of Education from a Type I District to a Type II District without a Board of School Estimate.

BE IT FURTHER RESOLVED, that this Board authorizes the Board Secretary to provide the ballot question and the interpretive statement to the municipal clerk of the Borough of East Newark and the County Clerk for inclusion on the ballot for the next general election on November 3, 2020.

Consent Agenda: Resolution 09-824-20				
Motion: Mr. Balsam Jr.	Second: Ms. Goncalves			
	Yea	Ney	Abstain	Absent
Ms. Goncalves (Brigite)	X			
Mr. Balsam Jr. (Mark)	X			
Ms. Lopez (Johanna)	X			
Ms. Slattery (Valeria)		X		
Ms. Fernandes (Carla)		X		

Motion carries.

VII. Old Business

None

VIII. New Business

None

IX. Public Comment/Questions

None

X. Board Comments

None

XI. Adjournment

Motion Mr. Balsam Jr. ; Second Ms. Goncalves ; Voice Vote aye.
Meeting adjourned at 6:24 PM