

BOARD OF EDUCATION OF THE CITY OF PLAINFIELD
IN UNION COUNTY, NEW JERSEY

MINUTES of a **POLICY COMMITTEE** Meeting of the Board of
Education Held on Wednesday, November 3, 2010

A **POLICY COMMITTEE** Meeting of the Board of Education of the City of Plainfield was held this day in the Plainfield High School, conference room. Notice had been provided to Board members and to the Courier-News, Star Ledger, Public Library, City Clerk, Plainfield Police Department, and posted in all Plainfield Public Schools and the District's website. The meeting was called to order at 6:30 p.m. by Mrs. Lisa Logan-Leach, Board President, and the following action took place:

I. PLEDGE OF ALLEGIANCE

II. WELCOME

WELCOME to a Policy Committee Meeting of the Board of Education of the City of Plainfield. Members hope you will find the meeting interesting and informative. We thank you for taking the time to attend. Please be advised that this and all meetings of the Board are open to the media and public, consistent with the OPEN PUBLIC MEETINGS ACT (Ch. 231 Laws of 1975), and that advance notice required therein has been provided to the Courier News and Star Ledger on Wednesday, October 27, 2010, for advertisement on Friday, October 29, 2010.

III. ROLL CALL

PRESENT

Mrs. Lisa C. Logan-Leach, President
Mr. Rasheed Abdul-Haqq, Vice President
Mrs. Wilma G. Campbell, @. 6:42 p.m.
Mr. Agurs Linward Cathcart, Jr.
Mrs. Keisha Edwards @ 6:44 p.m.
Mrs. Brenda L. Gilbert
Mrs. Renata Hernandez @ 6:55 p.m.
Ms. Katherine Peterson

ALSO PRESENT

Mrs. Anna Belin-Pyles, Interim Superintendent
Mrs. Roslyn Mathis
Mr. Robert Pickett, Esq.
Mr. Charles Craig, Esq.
Ms. Lauren Craig, Esq.
Mr. Kannah Nixon, Esq.

Ms. Patricia I. Barksdale absent

Mrs. Barksdale called and said she would be unable to attend tonight's meeting. The Board President turned the meeting over to Mrs. Brenda Gilbert, Policy Committee Chair. Mrs. Gilbert indicated that she and Ms. Peterson attended some mandatory training at the conference and wanted to share some information with the Board. One of the things and it has not passed yet, is how much an individual can claim in sick pay when they retire; they want to cap it at \$15,000. A lot of the mandatory training dealt with negotiations. They also talked about the Treasurer of School Monies is now optional, but must have good fiscal policies. It was also stated that when the Board is approving their expenditures that it isn't over the limit. They need to make sure that the Annual Audits are done and they need to approve those Annual Audits as well as any Corrective Action Plans and monitor the Plan. Mrs. Gilbert stated this Board has been doing this already. If it isn't done, the State can come in and run a forensic audit at the District's expense. It was expressed to them that budget planning this year should be done with the community in mind, to try to get them to buy-in especially with the situation that exists regarding unemployment, foreclosures, etc. They also talked about the County Superintendent has more authority than they ever had.

They can come in and realign the District's budget and don't have to get permission from the Board.

Mrs. Gilbert passed out a Board Member Indemnification Policy supplied by Mr. Pickett as a result of a question that was asked at the last Policy Meeting and he said he already had one. She also passed out two articles on bullying. Mrs. Gilbert wanted them to go over their bullying policy to make sure it is what they need before something happens and to share their thoughts of whether changes need to be made, and additions or subtractions. Mrs. Belin-Pyles sent the Board a booklet in their packet which also addressed the bullying issue.

Ms. Peterson asked Mrs. Belin-Pyles, with regard to what's going on in the community, how gays and lesbians are being treated, especially at the high school, what is the District doing as far as staff training, any type of programs being put in place? Mrs. Belin-Pyles replied it's two-fold. One is the training of the staff in bullying and sexual harassment. That training was started on their Professional Development day. There is an employee that's assigned to go to every single school to address that issue of bullying harassment and to investigate every incident. There have been a lot of programs, effort and support put in this area. Mrs. Belin-Pyles stated that being able to educate the adults in the District is the most challenging. Some of the behavior, some of the comments that adults make toward children could be considered bullying.

Mrs. Campbell asked if there is any consideration being given to incorporate cyber bullying. Another policy deals with cyber bullying and social networking, and also in the Code of Conduct. Mr. Cathcart indicated that they approved that policy last year. Mrs. Campbell asked if that could be included in their bullying policy because bullying is bullying whether it be cyber, social networking or otherwise. Mrs. Belin-Pyles replied it could be added to this policy but she suggests they wait for some additional guidelines that are going to come out from the State. She anticipates that is going to come forth in the next couple of months from the State that will govern the necessity for making some changes to the policy anyway. This policy is a good policy. It's the enforcement side they need to focus on. Mrs. Gilbert indicated that they could put a Cyber Bullying header in there and then say see whatever and that would send them to the policy addressing it.

Mrs. Gilbert directed their attention to one of the articles, on the back it tells some of the points that the State is pushing for in their mandate about bullying; some of the proposed legislation regarding bullying.

Mrs. Gilbert asked the attorneys present if they had any comments on the issue of bullying. Mr. Pickett replied that he thought the Board is headed in the right direction. He also thought they probably will get some advice from New Jersey School Boards on this as well because they're looking at this very carefully.

Mr. Cathcart indicated they have a very extensive policy in place; they just have to make sure it is enforced. Make sure it's in the hallways as far as small signs, posters, and assemblies. We just might need to tweak it. Mr. Pickett added that tweaking might include the technology changes as far as cyber bullying.

Mrs. Peterson asked if the staff is aware of our extensive policy. She heard staff say they didn't know we had that policy. Mrs. Belin-Pyles replied that what she has directed the principals to do, particularly with the Code of Conduct, is to have employees sign knowledge of receipt of. Their signature will show they are aware of it. Also Mrs. Boyd's charge is to go around to every single school with the sexual harassment piece.

Mrs. Gilbert addressed next the Indemnification Policy. She asked Mr. Pickett if he had already tweaked this policy so that it meets the Board's criteria. Mr. Pickett replied yes.

Mrs. Campbell wanted the policy broken down line by line. She asked about the first sentence, "The Board of Education will indemnify Board members in accordance with law whenever a civil, administrative, criminal or quasi-criminal action or other legal proceeding is brought against a Board member for any act or omission arising out of and in the course of the performance of his/her duties as a Board member." Mr. Pickett replied that means your performance, your official duties as members of the Board. Ms. Hernandez asked that is "only?" Mr. Pickett replied yes; arising out of and in the course of. If in fact as part of your duties as a Board member you go out to a meeting and something happens in the course of that meeting you would be indemnified by this Board for any action civil, criminal or quasi-criminal.

Mrs. Hernandez stated if you're not acting in the capacity of a Board member and you get into some trouble, but you're being acknowledged as a Board member and the suit is being brought against you what does that mean. Mr. Cathcart felt anytime you're in a school building or at a school function shouldn't you be represented as a Board member? Mr. Pickett replied that would be furtherance.

Mrs. Edwards asked what if something occurs if you're saying something on the internet, you're not acting as a Board member, what happens in a case like that? Mrs. Gilbert agreed. She felt it becomes very complicated, to a point with blogs; somebody writes on there and your name is attached to it, it doesn't mean you wrote it; unless somebody is sitting there while you're writing it. Mrs. Belin-Pyles stated it would show your IP address.

Mr. Pickett indicated that whatever a Board member encounters in the type of indemnification they would have to examine it on a case-by-case basis. All of the statutory references on the policy are what requires indemnification and subject to all of those references.

Mrs. Campbell stated they were working on the first sentence of the policy and she needs clarification on "omission arising out of"... what does that mean? Mr. Pickett replied failure to do something. For example, if a Board member were to go on an authorized trip and as a result of that trip something occurs that's an omission, that's a failure to engage in the conduct that is appropriate, then that person might very well require some indemnification. We would indemnify that Board member; an act of omission, a failure to do something, failure to take a particular act. Mr. Pickett gave another example; if as a Board member they were to go out and part of their charge is to take a group of kids with them to an official meeting, if they fail to honor their obligation to watch over those kids, which is the equivalent of saying some such negligence they would be sued and the Board of Education would have to make a determination under this particular policy whether to indemnify them or not.

There was discussion regarding a case against Mr. Cathcart that involved the Board even though the function had nothing to do with the Board. Mr. Pickett stated that issue had been turned over to the carrier. Mr. Craig stated that anyone can be sued for anything. They would have to prevail.

Mr. Pickett stated the second sentence, "In the case of a criminal or quasi-criminal action results in a final disposition in favor of the Board member, the Board will defray costs of defending the action,".... That simply means if a criminal action is brought against them the only way the Board will indemnify them is if they are successful in proving their innocence. If they are found guilty, the Board is under no obligation to defray the cost.

Mrs. Hernandez asked for an example of quasi-criminal. Mr. Pickett replied that could be a disorderly person. Mrs. Edwards asked what happens if the person is innocent, found not guilty. Mr. Pickett replied if it is in favor of the Board member, the Board will indemnify. If there is any kind of guilt, then the Board is under no obligation.

Mrs. Logan-Leach didn't see anything in the policy regarding an ethics charge. Mr. Pickett indicated that's what administrative means. Mrs. Logan-Leach felt the words ethics charge needs to be added and spelled out having to be indemnified. Mr. Pickett stated that would clearly be an administrative matter. It's up to the Board if they want to specify that. Mr. Craig stated the Court would have to interpret that.

Mrs. Gilbert stated acting in the capacity of a Board member, what if you're at a function and you wind up inebriated and something happens after that inebriation, what happens then? Mr. Pickett replied that if it's an official function and you're engaged in an official capacity and you become drunk, if something occurs that grows out of that intoxication it would be an act or omission which would qualify for indemnification.

Mrs. Campbell asked if the wording in the policy came from State statutes. Mr. Pickett replied yes. Essentially a lot of the wording came from State statutes.

Mrs. Hernandez asked if she were to write an editorial where does that come in at. Mr. Abdul-Haqq stated as long as you're not speaking for the Board, only the President can speak for the Board. Mrs. Belin-Pyles added that if a Board member blogs about something that is discussed in Executive Session where there's a confidentiality component and the only individuals aware of that should be other Board members, wouldn't that be problematic. If they were sued by the person who was discussed the Board would not cover that. Mr. Pickett indicated they would not. However if there are Board members who are blogging he would suggest that that Board member should clearly indicate that she or he is not speaking on behalf of the Board. Mrs. Hernandez stated she has a big disclaimer on her blog.

Mr. Pickett indicated there are certain issues that are not up to the Board to decide on because they pay the insurance company money to protect the Board's interest. In a certain case the insurance carrier has decided to represent all parties. Dr. Gallon at the moment is the only one who opted out of being represented by the carrier in the case of Dr. Bailey.

Mrs. Hernandez asked if they could get a list of all of those cases the insurance company is handling. Mr. Pickett replied that they are in the process of doing that now. It will be provided to the Board once it is completed. That's why they pay the insurance company, to be covered in the event they are sued.

Mrs. Logan-Leach asked if there will be a policy number since this is new. Mrs. Hernandez suggested they check with New Jersey School Boards to see if there is a number.

Mrs. Gilbert asked if anyone has anything to add or subtract from the Code of Ethics. Mrs. Hernandez asked if there is a piece in there that speaks about releasing Executive Session information. Mrs. Gilbert indicated this is the same Code of Ethics that comes from New Jersey School Boards. She didn't think it was tailor-made for one particular Board.

Mrs. Hernandez indicated she felt there is a need to personalize this. They know for a fact that there is an issue of leaking Executive privileged information and they need to have something that speaks to that. Mr. Abdul-Haqq felt it would be best to keep what is already there because that is what would be accepted by the State.

Mrs. Gilbert stated this Code of Ethics is something they need to go over, it needs to be addressed. She received a call that some confidential information was being spoken at Café Vivace. She knew it had to be a Board member that said it because of the nature of what was said in the last three days.

Mrs. Campbell stated there is going to be a \$2,000 credit coming from New Jersey School Boards to each district that can be used for a variety of services such as policy development, superintendent search and negotiations. They have it; they just have to use it. Mr. Pickett asked if there is a time element. Mrs. Belin-Pyles replied probably by June.

Mrs. Campbell had another item, the budget advisory, where was that policy. Mrs. Gilbert replied that she would have to speak to Ms. Harkness from New Jersey School Boards about that.

There was an issue Ms. Barksdale wanted to discuss regarding the removal of Board members in terms of absences, but Mrs. Gilbert was going to wait until the next Policy Meeting since she was unable to attend tonight's meeting.

Mr. Cathcart moved, seconded by Mrs. Campbell and unanimously approved by the Board, to adjourn the meeting at 7:55 p.m.

Recorded by:

Roslyn Mathis