ADOPTION RESOLUTION

RESOLVED, that the bylaws and policies printed and codified in the comprehensive document entitled "Bylaws and Policies of the Essex Valley School Board of Trustees" are hereby adopted and that all bylaws and policies heretofore adopted by the Essex Valley School Board of Trustees and inconsistent with the bylaws and policies hereby adopted are hereby rescinded, and be it further

RESOLVED, that in the event any policy, part of a policy or section of the bylaws is judged to be inconsistent with law or inoperative by a court of competent jurisdiction or is invalidated by a policy or contract duly adopted by this Board, the remaining bylaws, policies, and parts of policies shall remain in full effect.

Adopted by the Essex Valley School Board of Trustees in the County of Essex at a meeting held in West Caldwell, New Jersey on the 24th day of October, 2019.

0000.02 INTRODUCTION

Definitions

The following terms used in these bylaws, policies, and regulations shall have the meanings set forth below unless the context requires a different meaning or a different definition is supplied:

"Board" means the Board of Trustees of Essex Valley School.

"Bylaw" means a rule of the Board for its own operation.

"Commissioner" means the New Jersey State Commissioner of Education.

"Core Curriculum Content Standards" means the New Jersey Student Learning Standards.

"County Superintendent" means the Executive County Superintendent of Schools designated by the Department of Education for this school.

"Day" means a calendar day.

"Division of Youth and Family Services" or "DYFS" means the New Jersey Department of Children and Families – Division of Child) Protection and Permanency or DCP&P.

"Executive County Superintendent" means the "County Superintendent designated by the Department of Education for this school."

"Executive Director" means the Chief School Administrator of this school; except where prohibited by law, "Executive Director or designee" means the qualified person duly delegated by the Executive Director to discharge a particular duty in place of the Executive Director.

"Full Board" means the authorized number of voting members of the Board of Trustees.

"Meeting" means a gathering that is attended by or open to all of the members of the Board of Trustees, held with the intent on the part of the Board members present to discuss or act as a unit on the specific public business of the Board of Trustees.

"New Jersey Student Learning Standards" or "NJSLS" means standards adopted by the State Board of Education on May 1, 1996, and as thereafter revised by the State Board, and the Common Core State Standards adopted by the State Board on June 16, 2010, and as thereafter revised by the State Board, that describe the knowledge and skills all New Jersey students are

expected to acquire by benchmark grades in the following areas: English language arts; mathematics; science; social studies; visual and performing arts; comprehensive health and physical education; world languages; technology; and 21st century life and careers. The standards are established for the provision of a thorough and efficient education pursuant to N.J.S.A. 18A:7F-46 and as a basis for the evaluation of school in accordance with N.J.A.C. 6A:30.

"Parent" means the natural parent(s), adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a student. Where parents are separated or divorced, "parent" means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student provided such parental rights have not been terminated by a court of appropriate jurisdiction.

"Policy" means a Statement, formally adopted by the Board of Trustees, in which the Board recognizes the mandates and constraints of law, establishes practices and standards binding on staff members and students, and gives direction to the Executive Director.

"President" means the President of the Board of Trustees.

"Principal" means the administrator in charge of a school building or facility; except where prohibited by law, "Principal or designee" means the qualified person duly delegated by the Principal to discharge a particular duty in place of the Principal.

"Professional employee" means an employee who holds a position for which a certificate issued by the New Jersey State Board of Examiners is required.

"Pupil" means a student enrolled in this school.

"Regulation" means a Statement developed and promulgated by the Executive Director that details the specific operations by which Board policy or a legal mandate is implemented.

"Secretary" means the Secretary of the Board of Trustees.

"Student" means a pupil enrolled in this school.

"Support staff member" means an employee who holds a position for which no certificate issued by the New Jersey State Board of Examiners is required.

"Teaching staff member" means an employee who holds a position for which a certificate issued by the New Jersey State Board of Examiners is required.



Construction

The following rules of construction apply to these bylaws, policies and regulations:

1. Wherever possible, language shall be given its clear and ordinary interpretation;

2. Language shall be construed to have a meaning that complies with law;

3. In the event bylaws, policies and regulations conflict with one another, the later adopted bylaw, policy or regulation shall take precedence over the earlier, and the more specific bylaw, policy or regulation shall take precedence over the more general;

4. Except as otherwise provided by the context, the auxiliary verbs "shall," "will," and "must" indicate a mandated action, and the auxiliary verb "may" indicates an action that is permitted but is not mandated.

Effectuation

Except as may otherwise be expressly provided, a bylaw, policy or regulation will become effective on the date it is adopted and a revised bylaw, policy or regulation will become effective on the date it is revised.

Citations

Bylaws, policies and regulations may contain citations to the following codifications of State and Federal laws and regulations:

1. United States Code - U.S.C.

2. United States Regulations – Code of Federal Regulations (C.F.R.)

3. New Jersey Statutes

   N.J.S.A. 2C Code of Criminal Justice
   N.J.S.A. 9 Children-Juvenile and Domestic Relations
   N.J.S.A. 10 Civil Rights
   N.J.S.A. 11 Civil Service
   N.J.S.A. 17 Corporations and Institutions for Finance and Insurance
   N.J.S.A. 18A Education
   N.J.S.A. 19 Elections
   N.J.S.A. 24 Food and Drug
   N.J.S.A. 26 Health and Vital Statistics

N.J.S.A. 27 Highways
N.J.S.A. 30 Institutions and Agencies
N.J.S.A. 34 Labor and Worker's Compensation
N.J.S.A. 36 Legal Holidays
N.J.S.A. 39 Motor Vehicles and Traffic Regulation
N.J.S.A. 41 Oaths and Affidavits
N.J.S.A. 45 Professions and Affidavits
N.J.S.A. 47 Public Records
N.J.S.A. 52 State Government, Departments, and Officers
N.J.S.A. 53 State Police
N.J.S.A. 54 Taxation
N.J.S.A. 59 Tort Claims

4. New Jersey Administrative Code

N.J.A.C. 1 Administrative Law
N.J.A.C. 6 & 6A Education
N.J.A.C. 8 Health
N.J.A.C. 10 Human Services
N.J.A.C. 13 Law and Public Safety
N.J.A.C. 17 Treasury-General

Severability

If any part of this manual is made invalid by judicial decision or legislative or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board of Trustees.

Enactment

The official record of the adoption, issuance, amendment, or repeal of the bylaws, policies and regulations of this school shall be the minutes of meetings of the Board of Trustees. Such alterations shall be duly entered in this manual; a master copy of the bylaw, policy and regulation manual shall be maintained by the Business Office and shall be the manual to which all others may be compared for accuracy.

0000 BYLAWS

Number	Title
0110	Identification
0120	Authority and Powers
0131	Bylaws and Policies
0132	Executive Authority
0133	Adjudication of Disputes
0136P	Amendment Procedures – APSSD
0141	Board Member Number
0142	Board Member Qualifications, Prohibited Acts, and Code of Ethics (M)
0142.1P	Nepotism – APSSD (M)
0144	Board Member Orientation and Training
0145	Board Member Resignation and Removal
0146	Board Member Authority
0148	Board Member Indemnification
0152	Board Officers
0155	Board Committees
0161	Call, Adjournment and Cancellation
0163	Quorum
0164	Conduct of Board Meetings
0165	Voting
0166	Executive Sessions
0169.02P	Board Member Use of Social Networks – APSSD
0171	Duties of Board President and Vice President
0173	Duties of School Accountant
0174	Legal Services (M)
0175	Contracts with Independent Consultants
0177	Professional Services (M)

ESSEX VALLEY SCHOOL BYLAWS

The Bylaws incorporated in the Essex Valley School Policy and Regulation Manual are for the operation of the school and shall not supersede any Bylaw included in the Essex Valley School's Incorporated Bylaws.

0110 IDENTIFICATION

Name

The official name of the Board of Trustees shall be "The Board of Trustees of Essex Valley School."

The Board of Trustees consists of community volunteers.

Purpose

The Board of Trustees exists for the purpose of providing a thorough and efficient system of education as an approved private school for students with disabilities in grade five through age twenty-one.

Address

The address of the Board of Trustees shall be:

1 Henderson Drive
West Caldwell, New Jersey 07006

Adopted: 24 October 2019

0120 AUTHORITY AND POWERS

Authority

The Board of Trustees of the Essex Valley School is constituted, authorized, and governed in conformity with the laws of the State of New Jersey.

Powers and Duties

The Board of Trustees of the Corporation (the "Board" or the "Board of Trustees") shall have the power to act on, and shall be responsible for the management of all of the Corporation's activities, including the determination of appropriate policy and the supporting programs and activities and shall have full power, by majority vote, to adopt rules and regulations governing the action of the Board; provided, however, that the fundamental and basic purposes of the Corporation as expressed in the Certificate of Incorporation and in conformity with these Bylaws and the laws of the State of New Jersey shall not thereby be amended or changed.

Adopted: 24 October 2019

0131 BYLAWS AND POLICIES

The Board of Trustees shall exercise its rule-making power by adopting bylaws and policies for the organization and operation of the school.

Adoption, Amendment, and Repeal

Bylaws and policies may be adopted, amended, and repealed at any meeting of the Board, provided the proposed adoption, amendment, or repeal has been proposed and approved at a previous meeting of the Board.

These Bylaws may be altered, amended, or repealed by a two-thirds majority vote of the members in office of the Board of Trustees at any regular or special meeting, or by mail-in ballot, provided at least thirty days notice is given to the Trustees for that purpose.

The Board may, under emergency circumstances, suspend the operation of a bylaw or policy and adopt, amend, or repeal a bylaw or policy without prior notice. The emergency adoption, amendment, or repeal of a bylaw or policy shall terminate at the next meeting of the Board or at such earlier date as may be specified by the Board unless further acted upon by the Board.

The adoption, amendment, repeal, or suspension of a bylaw or policy shall be recorded in the minutes of the Board. Any policy or part of a policy that is superseded by a term in a negotiated agreement or by a subsequently adopted policy shall no longer be in force and effect as a policy.

Promulgation and Distribution

A manual of bylaws and policies shall be maintained. A copy of the manual of bylaws and policies shall be given or provided to each Board member, the Executive Director, the Board President, the Board Attorney, each Principal, and other individuals designated by the Executive Director.

The Executive Director shall institute a plan for the orderly promulgation of policies to staff members who are affected by them and shall provide staff members with access to an up-to-date manual of Board bylaws and policies.

The manual of bylaws and policies shall be considered a public record open to inspection in the Business Office. The manual retained by the Business Office shall be considered the master copy of the policy manual and shall not be modified by any person other than the Executive Director or his/her designee.

Development of Bylaws and Policies

Bylaws and policies will be developed and considered by the Board in accordance with the following procedure:

1. A new or revised bylaw or policy may be suggested to the Board by any Board member, the Executive Director, or any staff member;

2. A suggestion for a new or revised bylaw or policy may be referred, at the discretion of the President and as appropriate to the subject, to the Executive Director, a Board committee, or an advisory committee for study and formulation of a recommendation to the Board. Any study of a policy suggestion should consider whether the matter is adequately addressed in existing Board policy and whether the matter is more appropriately addressed by administrative regulation;

3. If a recommendation for a new or revised bylaw or policy results from referral for study, a proposed draft will be submitted to the Board for discussion and adoption.

N.J.S.A. 18A:11-1

Adopted: 24 October 2019

0132 EXECUTIVE AUTHORITY

The Board of Trustees shall exercise its executive power in part by the appointment of an Executive Director as Chief School Administrator, who shall enforce the statutes of the State of New Jersey, rules of the State Board of Education, and policies of this Board.

The Executive Director shall prepare regulations for the administration of the school that are consistent with statutes or rules of the State Board of Education and are dictated by the policies of this Board. Administrative regulations shall be binding on the employees and the students of this school.

Adopted: 24 October 2019

0133 ADJUDICATION OF DISPUTES

The Board of Trustees may assume jurisdiction over any dispute or controversy arising within this school and concerning any matter over which authority has been vested in the Board by statute, rule of the State Board of Education, or a contract or policy of this Board.

The Board may hold hearings that will offer the parties to a dispute, on notice duly given, a fair and impartial forum for the resolution of the matter.

Beyond the basic requirements of due process a hearing will vary in form and content as dictated by the severity of the consequences that may flow from the Board's determination, the degree of difficulty of establishing findings of fact from conflicting evidence, and the impact of the Board's decision on the school.

Regulations for the conduct of adjudicatory hearings of the Board shall be prepared as guidelines for those who may be heard by the Board.

Adopted: 24 October 2019

0136P AMENDMENT PROCEDURES – APSSD

An Approved Private School for Students with Disabilities (APSSD) may amend its policies, procedures, the services provided, or the location of its facilities by obtaining prior written approval from the Department of Education through the County Office of Education, in accordance with N.J.A.C. 6A:14-7.3(a).

To amend the policies, procedures, nature and scope of the services provided, or increase or decrease the services provided, the APSSD shall submit: a copy of the revised policy and/or procedure; a revised description of the scope and nature of the services to be offered according to N.J.A.C. 6A:14-7.3(a)1ii; and a list of professional staff who will provide these services, in accordance with N.J.A.C. 6A:14-7.3(a)1iii. The list of professional staff shall verify each individual's certification and license, if one is required, that a criminal history review pursuant to N.J.S.A. 18A:6-7.1 has been completed for the individual, and the function he or she shall perform in accordance with N.J.A.C. 6A:14-7.3(a)1.

The APSSD shall submit a copy of the valid health, fire, HVAC inspections, occupancy, and if applicable sewerage plant to amend the location of its facilities in accordance with N.J.A.C. 6A:14-7.3(a)2.

If an APSSD seeks to expand the school and its program by opening an additional location, the school must submit an application for approval as a new APSSD in accordance with N.J.A.C. 6A:14-7 and receive such approval prior to operating an APSSD in the new location.

When a professional staff member leaves the APSSD or a new professional staff member is hired by the APSSD, the APSSD shall provide written notification to the Department of Education through the County Office within seven calendar days of the change in accordance with N.J.A.C. 6A:14-7.3(b).

N.J.A.C. 6A:14-7.3

Adopted: 24 October 2019



0141 BOARD MEMBER NUMBER

The Board of Trustees shall consist of no more than fifteen members, but in no event less than five members.

Adopted: 24 October 2019

0142 BOARD MEMBER QUALIFICATIONS, PROHIBITED ACTS, AND CODE OF ETHICS

Each member of the Board of Trustees shall possess the qualifications required by the school's organizational charter.

To be eligible to hold the position of Officer or Trustee of the Board of Trustees, an individual shall be at least eighteen years old and declare his/her willingness to assume an active part in the conduct, activities, and affairs of the Corporation.

Adopted: 24 October 2019

0142.1P NEPOTISM – APSSD

The Board shall adopt and implement this Nepotism Policy pursuant to N.J.A.C. 6A:23A-18.20.

For the purpose of this Policy, "approved private school for students with disabilities" or "APSSD" means an entity approved by the New Jersey Department of Education according to N.J.A.C. 6A:14-7.1 through 7.3 to provide special education and related services to a student with disabilities placed in the APSSD by a parent, sending district Board of Education, or State agency responsible for providing the student's education through implementation of his or her Individualized Education Program (IEP).

For the purpose of this Policy, "APSSD official" means a member of the Board of Directors or Board of Trustees of an APSSD; anyone holding an ownership interest in the APSSD; an officer, employee, administrator, or supervisor of an APSSD; or anyone responsible for making recommendations regarding hiring or the purchase or acquisition of any property or service(s) by the APSSD.

For the purpose of this Policy, "immediate family member" means the person's spouse, partner in a civil union as defined in N.J.S.A. 37:1-33, domestic partner as defined in N.J.S.A. 26:8A-3, or dependent child residing in the same household.

For the purpose of this Policy, "relative" means an individual's spouse, civil union partner pursuant to N.J.S.A. 37:1-33, domestic partner as defined in N.J.S.A. 26:8A-3, or the parent, child, sibling, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, or half-sister of the individual or of the individual's spouse, civil union partner, or domestic partner, whether the relative is related to the individual or the individual's spouse, civil union partner, or domestic partner by blood, marriage, or adoption.

No relative of an APSSD official shall be employed in an office or position at the APSSD unless the relative is properly qualified for the position; the relative is properly licensed for the position; and the relative's salary and fringe benefits are comparable to a person of like experience and education. Essex Valley School will not place one relative in a reporting relationship with another relative.

In accordance with the provisions of N.J.A.C. 6A:23A-18.20(b), nepotism shall be disclosed in the annual disclosure statement filed pursuant to N.J.A.C. 6A:23A-18.19. If the relative relationship is unknown at the time the disclosure form is filed, the APSSD shall file an updated annual disclosure form immediately upon the statement filer obtaining knowledge of the relationship.

This Policy shall be adopted by the Board and included in the School's Policy Manual and employee handbook pursuant to N.J.A.C. 6A:23A-18.20(a).

N.J.A.C. 6A:23A-18.20

Adopted: 24 October 2019

0144 BOARD MEMBER ORIENTATION AND TRAINING

The preparation of each member for the performance of Board of Trustees duties is essential to the proper functioning of the Board. The Board encourages each new Board member in the acquisition of information about school governance, the separate functions of the Board and the Executive Director, the operations of the school, and Board procedures.

The Board directs that each new member receive access to and/or a copy of the Board of Trustees Bylaw and Policy Manual and such other materials as deemed appropriate by the Executive Director.

Each new Board member will be invited and is encouraged to meet and discuss the responsibilities and authority of a Board member, Board functions, and Board policies and procedures with the Board President (if available), the Executive Director, and the Business Manager.

Adopted: 24 October 2019

0145 BOARD MEMBER RESIGNATION AND REMOVAL

The membership of a Board of Trustees member shall terminate immediately upon:

1. Resignation of Trustees

   Any Trustee may tender his/her resignation at any time by submitting a written letter of resignation to the President or Secretary of the Board of Trustees. Any such resignation shall be considered by the Board at the very next regular or special Board meeting, after which the letter is received, or sooner. Unless the Board can persuade the Trustee to postpone his/her resignation to a mutually agreed later date, then the resignation shall take effect at the later of either the specific time specified in the letter of resignation or at the adjournment of that Board meeting, whether or not it was considered. In such case, the acceptance of such resignation shall not be necessary to make it effective.

2. Removal

   Any Trustee may be removed, with or without cause by a majority vote of the Board of Trustees at a meeting at which a quorum is present. The decision of the Board of Trustees shall be final and non-appealable. Any Board of Trustees member who is absent from three consecutive meetings may be terminated as a Board of Trustees member by the Board of Trustees. Such termination shall not preclude nomination at a later date.

3. Vacancy and Removal of Officer

   Any officer elected by the Board of Trustees may be removed from office and/or the Board, by the Board of Trustees, whenever, in its judgment, the best interests of the Corporation thereby will be served. Such removal shall be by a two-thirds majority vote of the Board of Trustees. Vacancies may be filled at any time by appointment of the Board of Trustees. Elected substitute officers will then serve until the next regular election.

Adopted: 24 October 2019



0146 BOARD MEMBER AUTHORITY

A Board member does not possess individually the authority and powers that reside in the Board of Trustees. No Board member by virtue of his/her office shall exercise any administrative responsibility with respect to the operation of the school or as an individual command the services of any school employee.

Release of Information

Board member access to public, personnel, and student records shall be governed by law and by the provisions of Policy Nos. 8310, 8320, and 8330.

Confidential information to which a Board member becomes privy as a result of his/her office shall be used only for the purpose of helping the member discharge his/her responsibilities as Board member. No Board member shall reveal information contained in a confidential record or received during a duly convened private session of the Board except when that information has been released to the public by the Board.

Public Expressions

Board members are entitled to express themselves publicly on any matter, including issues involving the Board and the school. Individual Board members cannot, however, express the position of the Board except as expressly authorized. A Board member shall not represent his/her personal opinion as the position of the Board and shall include in all formal expressions in which his/her Board affiliation is likely to be recognized, such as letters to government officials or newspapers, speeches to organizations, and the like, a statement that the opinions expressed do not necessarily represent those of the Board.

Board members visiting a school shall comply with the policy and procedures for school visitors.

Members of the Board shall adhere to the Code of Ethics for Board members in Bylaw 0142.

Adopted: 24 October 2019

0148 BOARD MEMBER INDEMNIFICATION

The Board of Trustees 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 Board member. In the case of a criminal or quasi-criminal action which results in a final disposition in favor of the Board member, the Board will defray all costs of defending the action, including reasonable counsel fees and expenses, together with costs of appeal, and will save harmless and protect the Board member from any financial loss resulting from the action. Indemnification for exemplary or punitive damages is not required and will be governed by the standards and procedures set forth in N.J.S.A. 59:10-4.

The Board may arrange for and maintain appropriate insurance to cover all such damages, losses and expenses.

Adopted: 24 October 2019

0152 BOARD OFFICERS

The Board of Trustees shall organize by electing one of its members as President and another as Vice President.

The officers of the Corporation shall be nominated by the Nominating Committee and elected by the Board of Trustees.

Any member may place a member's name in nomination; a second is not required. Election for each office will be conducted by roll call vote when the nominations for that office are closed. The candidate receiving the votes of a majority of all of the Board members will be elected to office. In the event no candidate receives a majority of the votes cast, a second election shall be conducted between the two candidates receiving the highest number of votes.

Voting shall take place by verbal roll call vote after nominations are closed. When more than one person has been nominated, the Board will vote on candidates in the order in which they were nominated. In the event no candidate receives a majority vote of the members of the Board present and constituting a quorum, the procedure shall continue until someone receives a majority vote.

Officers shall serve for one year and until their respective successors are elected and shall qualify.

A President or Vice-President who refuses to perform a duty imposed upon him/her may be removed by a majority vote of all of the members of the Board. In the event the office of President or Vice-President shall become vacant the Board shall, within thirty days thereafter fill the vacancy for the unexpired term.

Adopted: 24 October 2019

0155 BOARD COMMITTEES

The Board of Trustees authorizes the creation of committees of Board members charged to conduct studies, make recommendations to the Board, and act in an advisory capacity. Committees are not authorized to take action on behalf of the Board.

Committees may be created on an Ad Hoc basis upon the recommendation of the Executive Director and approved by the Board. Examples of committees may include, but not be limited to, Finance, Nominating, Personnel, Policy, etc.

Adopted: 24 October 2019

0161 CALL, ADJOURNMENT AND CANCELLATION

The Board of Trustees shall meet at least quarterly each school year or by telephone conference call. An annual meeting will be held as called by the President of the Board of Trustees in the month of June of each fiscal year.

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 Executive Director at the request of the President. Notice of the cancellation shall be given, by expedient means, to all Board members. 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.

Adopted: 24 October 2019

0163 QUORUM

The majority of the members of Board of Trustees must be physically present (or present by telephone conference call) to constitute a quorum at all meetings for the transaction of business. If a quorum is not present, those Trustees attending shall have power to adjourn the meeting.

Adopted: 24 October 2019

0164 CONDUCT OF BOARD MEETINGS

Parliamentary Authority

Roberts' Rules of Order, Newly Revised, shall govern the Board of Trustees in its deliberations and acts in all cases in which it is not inconsistent with statutes of the State of New Jersey, rules of the State Board of Education, or these bylaws.

Presiding Officer

The President shall preside at all meetings of the Board. In the absence, disability, or disqualification of the President, the Vice President shall act in his/her place; if neither person is present, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.

Agenda

The Executive Director and/or designee shall prepare an agenda of items of business to come before the Board at each meeting. The agenda shall typically be delivered to each Board member typically no later than two business days before the meeting.

Adopted: 24 October 2019

0165 VOTING

All Board voting, whether in person, by conference call, by mail or by email, shall require a simple majority (except as provided otherwise herein) of those present or responding for passage, as long as the total number responding has satisfied the quorum requirement.

Adopted: 24 October 2019

0166 EXECUTIVE SESSIONS

The Board may, at its discretion, go into Executive Session to discuss:

1. Any matter that may involve Central Office personnel;

2. Any matter that has been rendered confidential by express provision of Federal or State law or rule of court;

3. Any material the disclosure of which constitutes an unwarranted invasion of a student's privacy, including but not limited to records, data, reports, or recommendations relative to the student's personal and family circumstances, treatment, progress or condition, unless the adult student or the student's parent(s) or legal guardian(s) requests in writing that the same be disclosed publicly;

4. Any matter involving the purchase, lease, or acquisition of real property where it could adversely affect the school's interest if discussion of such matters were disclosed;

5. 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;

6. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any central office personnel or current Board member; and

7. Any other matter the Board and/or Executive Director would like to discuss in executive session.

Adopted: 24 October 2019

0169.02P BOARD MEMBER USE OF SOCIAL NETWORKS – APSSD

The Board of Trustees adopts this Policy to provide guidance to Board members in their use of social networks to avoid an actual and/or a perceived appearance of inappropriate conduct while using social networks. This Policy seeks to provide guidance to help avoid behavior on social networks that may affect their ability to serve in their role as a member of an Approved Private School for Students with Disabilities' (APSSD) Board of Trustees.

For the purposes of this Policy, "social network(s)" shall include, but not be limited to: Internet blogs, electronic bulletin boards, emails, social networking websites, text messages, or any other online platform where people may post or communicate interests, opinions, or any other information that may be viewed by others with or without permission from the person making such post or re-publishing such post. "Social network(s)" also means an Internet-based service that allows individuals to: construct a public or semi-public profile within a bounded system created by the service; create a list of other users with whom they share a connection within the system; and view and navigate their list of connections and those made by others within the system.

For the purposes of this Policy, "use of a social network" shall include, but not be limited to: posting to a social network, reposting another person's post to a social network, messaging, or any other publication of material on a social network.

Nothing in this Policy prevents a Board member from using a social network. However, a Board member must avoid conduct on a social network that would violate an APSSD policy or regulation and create an actual and/or a perceived appearance of inappropriate conduct. Board members should be advised communications, publications, photographs, and any other information posted by the Board member or reposted by the Board member on a social network could violate this or other APSSD policies and regulations.

While this Policy respects the right of Board members to use social networks, Board members shall recognize they are held to a higher standard than the general public with regard to standards of conduct. A Board member's use of social networks shall not damage the reputation of the school, employees, students, or their families. Board members who use social networks shall ensure their conduct is appropriate for a Board of Trustees member. Board members should exercise care in setting appropriate boundaries between their personal and professional online behavior, understanding what is private in the digital world often has the possibility of becoming public, even without their knowledge or consent.

Board members should carefully review the privacy settings on social networks they use and exercise care and good judgment when posting content and information. When using social networks, Board members are advised to:

1. Not post anything that would violate any of the school's policies for Board members;

2. Uphold the school's value of respect for any individual(s) and avoid making defamatory statements about the Board of Trustees, the school, employees, students, or their families;

3. Not disclose any confidential information about the school or confidential information obtained as a result of being a Board member, about any individual(s) or organization, including students and/or their families;

4. Not use or refer to their Board of Trustees title or position when soliciting for a business organization that he or she or any immediate family member has an interest in, as well as posting or referencing any confidential information regarding the APSSD obtained through their Board membership, unless authorized by the Board of Trustees;

5. Refrain from having communications through social networks with other Board members regarding any APSSD business; and

6. Not respond to any postings regarding the APSSD or respond to any question or inquiry posted to the Board member or posted on any social network regarding the APSSD or its business and shall refer any such questions or inquiries to the Executive Director to address, as appropriate.

A Board member shall comply with all Board policies regarding acceptable use of computers and computer networks whenever a Board member is using an electronic device owned or operated by the APSSD.

If the Board or Executive Director believes a Board member's activity on any social network may violate the Board's policies, the Board or Executive Director may request the Board member cease such activity.

This Policy has been developed and adopted by the APSSD to provide guidance and direction to a Board member to avoid actual and/or a perceived appearance of inappropriate conduct while using social networks.

Adopted: 24 October 2019

0171 DUTIES OF BOARD PRESIDENT AND VICE PRESIDENT

President

The President, at the discretion of the Board, shall be the "Chief Executive Officer" or the "Executive Director" of the Corporation and shall, in general, supervise and control all of the business and affairs of the Corporation. He or she shall preside at all meetings of the members of the Board of Trustees. The Chief Executive Officer will execute any contracts or other instruments which the Board of Trustees may have authorized to be executed, and shall ensure that all orders and resolutions of the Board of Trustees are carried into effect. He or she shall perform all other duties that usually pertain to his/her office, or are delegated to him/her by the Board of Trustees.

Vice President

The Vice President shall, in the absence or disability of the President, perform the duties of the President, and shall perform all other duties delegated to him/her by the President or the Board of Trustees.

Adopted: 24 October 2019

0173 DUTIES OF SCHOOL ACCOUNTANT

The Board will engage only a licensed accountant to conduct the annual audit in accordance with N.J.A.C. 6A:23A-18.10.

The school accountant will complete the annual audit as required by the Department of Education and N.J.A.C. 6A:23A-18.10.

The audit shall follow generally accepted auditing standards (GAAS), as set forth in the Codification of Statements on Auditing Standards, 1993, published for the American Institute of Certified Public Accountants, (1211 Avenue of the Americas, NYC, NY 10036-8775), incorporated herein by reference, as amended and supplemented and when applicable, OMB Circular A-133 or NJOMB Circular Letter 98-07 as amended and supplemented. The Business Manager shall ensure the use of the auditing guidelines as published and distributed by the Commissioner. The approved private school for students with disabilities shall ensure that the audit includes basic financial statements, required supplementary information, schedules and narrative explanations.

The Business Manager shall ensure that the audited financial statements reflect the certified actual cost(s) per student as determined by the independent auditor and final tuition rate(s) charged at the end of the school year as determined by the Board of Trustees.

The Essex Valley School management representatives shall discuss with the auditor the results of the auditor's determination of the certified actual cost per student in order for the Board of Trustees to determine the final tuition rate charged as a result of the audit. The Board shall charge as the final tuition rate an amount equal to or less than the certified actual cost per student. The Board shall ensure that the audit report contains a letter signed by both the school auditor and an authorized school representative indicating that both parties have met and discussed the audit, and that the determination of the final tuition rate charged was a Board decision.

Within sixty days of receipt of the year-end audit, the Executive Director or designee shall develop a corrective action plan pursuant to this subchapter in response to recommendations contained in the year-end audit, and shall submit such corrective action plan to the Assistant Commissioner, Division of Finance for review and approval. The Business Manager shall not amend the final tuition rate charged after certification by the Commissioner. Any adjustments that result from the certified audit or a tuition audit performed by the Commissioner that are in excess of $10.00 per sending district Board of Education will be paid in accordance with N.J.A.C. 6A:23A-18.2(l) and (m).

If the Business Manager files an audit postmarked after November 1 it shall cause the tentative tuition rate per student for the ensuing school year to be calculated based upon the audited actual cost per student for the school year two years prior to the current school year, and N.J.A.C. 6A:23A-18.2(j) will not apply.

Upon request, the Business Manager shall submit to the Department a copy of the corporation's agency wide audited financial statements.

Adopted: 24 October 2019

0174 LEGAL SERVICES

The Board of Trustees adopts this Policy and its strategies to ensure the prudent use of legal services by employees and the Board of Trustees' members and the tracking of the use of legal services.

The Board of Trustees authorizes the Executive Director and the Executive Director's designee as the designated contact persons to request services or advice from contracted legal counsel.

Adopted: 24 October 2019

0175 CONTRACTS WITH INDEPENDENT CONSULTANTS

The Board of Trustees may from time to time engage the services of one or more independent contractors to advise and assist the Board in analyzing school operations and preparing Board reports when those tasks cannot be performed as economically by school staff members.

Wherever possible, the Board will seek proposals from multiple sources before a contract with an independent consultant is entered. The Board will not contract with a Board member or the spouse, child, parent(s) or legal guardian(s), or sibling, in fact or in law, of a Board member as an independent consultant.

The Board will engage the services of an independent consultant only by written contract, which must specify the work to be accomplished by the consultant, the time within which the work is to be completed, and the fee that will be paid the consultant. An independent consultant engaged by the Board is neither agent nor employee of the Board and may represent the Board only as expressly authorized to do so in writing.

An independent consultant may have access to such school facilities and school employees as may be reasonably required in the performance of the consultant's contract with the Board. Except as expressly permitted by the contract, any communication between the consultant and a school employee or community member regarding the work of the contract must be conducted through the Board or a designated school official.

Materials and reports generated and created by the independent consultant in the performance of his/her contract with the Board are and will remain the property of the Board and are subject to Board Policy 8310 on public records.

Adopted: 24 October 2019

0177 PROFESSIONAL SERVICES

The Board of Trustees adopts this Policy and its strategies to minimize the cost of professional services.

Contracts for professional services will be issued by the Board in a deliberative and efficient manner that ensures the school receives the highest quality services at a fair and competitive price or through a shared service arrangement. This may include, but is not limited to, issuance of such contracts through a Request for Proposals (RFP) based on cost and other specified factors or other comparable process. Contracts for professional services shall be limited to non-recurring or specialized work for which the school does not possess adequate in-house resources or in-house expertise to conduct.

N.J.A.C. 6A:23A-22.6

Adopted: 24 October 2019