

# BYLAWS

## ACHIEVE COMMUNITY CHARTER SCHOOL BOARD OF TRUSTEES

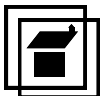
### ADOPTION RESOLUTION

#### ADOPTION RESOLUTION

RESOLVED, that the bylaws and policies printed and codified in the comprehensive document entitled “Bylaws and Policies of the Achieve Community Charter School Board of Trustees” are hereby adopted and that all bylaws and policies heretofore adopted by the Achieve Community Charter School Board of Trustees and inconsistent with the bylaws and policies hereby adopted are hereby rescinded, and be it further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 Achieve Community Charter School Board of Trustees in the County of Essex at a public meeting held in Newark, New Jersey on the 25<sup>th</sup> day of August, 2021.



## 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 Achieve Community Charter School.

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

“Chair” means the Chairperson of the Board of Trustees.

“Collective Bargaining”, “Negotiated Agreement”, or “Collective Bargaining Agreement” means a contract collectively negotiated by the Board of Trustees and a recognized bargaining unit.

“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.

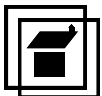
“Division of Youth and Family Services” or “DYFS” means the New Jersey Department of Children and Families – Division of Child Protection and Permanency or DCP&P.

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

“Full Board” means the authorized number of voting members of the Board of Trustees.

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

“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 schools 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 Chief Executive Officer.

“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 a school in this school.

“Regulation” means a Statement developed and promulgated by the Chief Executive Officer 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 a school 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.

“Treasurer” means the Treasurer of School Moneys for this school.

## 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  
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### 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 or until regulations issued by the Chief Executive Officer are amended.

### 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 School Business Administrator/Board Secretary and shall be the manual to which all others may be compared for accuracy.



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### 0110 IDENTIFICATION

#### Name

The official name of the Board of Trustees shall be “The Board of Trustees of Achieve Community Charter School in the County of Essex.”

#### Management

The Achieve Community Charter School is managed by a Charter Management Organization (CMO), BRICK Education Network.

#### Purpose

The Board of Trustees exists for the purpose of providing a thorough and efficient system of free public education in grades Kindergarten through eight in the Achieve Community Charter School.

#### Classification

The school shall be classified as a Charter school.

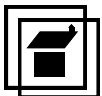
#### Address

The address of the Board of Trustees shall be:

534 Clinton Avenue  
Newark, New Jersey 07108

N.J.S.A. 18A:8-1; 18A:9-2; 18A:9-3; 18A:10-2

Adopted: 25 August 2021



## 0120 AUTHORITY AND POWERS

### Authority

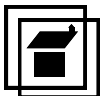
The Board of Trustees is constituted, authorized, and governed by the statutes of the State of New Jersey, Title 18A, Education.

### Powers

The Board of Trustees shall have all powers and authority necessary for the management of the business, property, and affairs of the Corporation, to do such lawful acts and things as it deems proper and appropriate to promote the objectives and purposes of the Corporation. The Board of Trustees may delegate, as necessary from time to time, responsibility for such affairs, business, and property to its Officers or Trustees.

N.J.S.A. 18A:10-1; 18A:11-1; 18A:16-1; 18A:20-1; 18A:27-4

Adopted: 25 August 2021





### 0131 BYLAWS, POLICIES, AND REGULATIONS

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

“Regulations” for the purpose of this Bylaw are only those regulations that are required to be adopted by the Board.

#### Adoption, Amendment, and Abolishment

Bylaws, policies, and regulations may be adopted and revised at any meeting of the Board, provided the proposed adoption or revision has been approved by the Board at a previous meeting of the Board.

Bylaws, policies, or regulations may be abolished at any meeting of the Board without the proposed abolishing of the proposed bylaw, policy, or regulation being approved by the Board at a previous meeting of the Board.

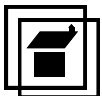
The Board shall at its organization meeting or annually at a meeting of the Board and by a majority vote of those present and voting, readopt existing bylaws, policies, and regulations without prior notice.

The Board may, under emergency circumstances, suspend the operation of a bylaw, policy, or regulation and adopt, revise, or abolish a bylaw, policy, or regulation without prior notice. The emergency adoption, revision, or abolishment of a bylaw, policy, or regulation 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 in accordance with this Bylaw.

The adoption, revision, abolishment, or suspension of a bylaw, policy, or regulation shall be recorded in the minutes of the Board. Any bylaw, policy, or regulation or part of a bylaw, policy, or regulation that is superseded by a term in a negotiated agreement or by a subsequently adopted bylaw, policy, or regulation shall no longer be in force and effect as a bylaw, policy, or regulation and shall be abolished by the Board in accordance with this Bylaw.

#### Promulgation and Distribution

The manual of bylaws, policies, and regulations shall be maintained. A copy of the manual of bylaws, policies, and regulations shall be available and accessible to each Board member, the Chief Executive Officer, the School Business Administrator/Board Secretary, the Board Attorney, each Building Principal, and other individuals designated by the Chief Executive Officer.



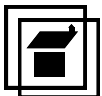
The Chief Executive Officer shall institute a plan for the orderly promulgation of policies to staff members who are affected by them and shall provide staff members with access to an up-to-date manual of Board bylaws, policies, and regulations.

The manual of bylaws, policies, and regulations shall be considered a public record open to inspection in the office of the Chief Executive Officer. The manual retained by the Chief Executive Officer or designee shall be considered the master copy of the manual.

### Consideration of Bylaws, Policies, and Regulations

Bylaws, policies, and regulations will be considered for adoption by the Board in accordance with the following procedure:

1. A recommendation for a new or revised bylaw, policy, or regulation shall be recommended to the Board and/or Chief Executive Officer;
2. A recommendation for a new or revised bylaw, policy, or regulation may be referred, at the discretion of the Board Chair and as appropriate to the subject, to the Chief Executive Officer, a Board committee, or a public advisory committee for study and formulation of a recommendation to the Board. Any study of a new or revised recommended bylaw, policy, or regulation will consider whether the matter is adequately addressed in existing Board bylaw, policy, or regulation;
3. If a recommendation for a new or revised bylaw, policy, or regulation results from referral for study, a proposed draft will be referred to the Chief Executive Officer and at the discretion of the Board Chair and as appropriate to the subject, to a Board committee;
4. All proposed new and revised bylaws, policies, and regulations shall be submitted to the Chief Executive Officer. The Chief Executive Officer or designee will review all new and revised draft bylaws, policies, and regulations prior to the Board receiving a draft of new or revised bylaws, policies, or regulations for Board consideration;
5. The proposed draft bylaw, policy, or regulation approved by the Board on first reading will be submitted for adoption at a succeeding meeting of the Board. Revisions in the draft may be made at any meeting prior to adoption by a simple majority vote of the Board. A revision at any succeeding meeting that alters the



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substantive meaning of the draft will constitute a new first reading, and the draft must be presented for adoption at a succeeding Board meeting. A change that is merely editorial may be followed by a vote to adopt the new or revised bylaw, policy, or regulation on second reading.

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

Adopted: 25 August 2021



## 0132 EXECUTIVE AUTHORITY

The Board of Trustees shall exercise its executive power in part by the appointment of a Chief Executive Officer 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 Chief Executive Officer 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 scholars of this school when issued and shall be provided to the Board for the information of Board members except where Board approval is required by law.

The Chief Executive Officer shall be delegated the authority to take necessary action in circumstances not governed by Board policy and shall report any such action to the Board at the first regular Board meeting following the action.

The Chief Executive Officer shall have a seat on the Board and shall have the right to speak on all matters at meetings of the Board, but shall have no vote.

N.J.S.A. 18A:17-20

Adopted: 25 August 2021



## 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.

A decision of the Board may be appealed to the Commissioner of Education.

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

Adopted: 25 August 2021



## 0134 BOARD SELF EVALUATION

The Board of Trustees may determine to conduct a self-evaluation on a periodic or regular basis. In the event the Board determines to conduct a self-evaluation, it will adopt an evaluation instrument that permits individual Board members to record their assessment of the conduct of the Board in fulfilling its responsibilities in accordance with applicable statutes and administrative codes.

The assessments will be tabulated by the Board Chair or designee and presented for discussion at a regular meeting of the Board in which the Chief Executive Officer will be invited to participate. The Board will formulate, as appropriate, goals and priorities that will serve to guide the Board's future conduct.

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

Adopted: 25 August 2021

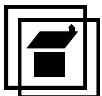


## 0141 BOARD MEMBER NUMBER AND TERM

The Board of Trustees shall consist of not less than three nor more than fifteen persons. Any qualifications for Trustees, as set by the Board of Trustees from time to time, must be met prior to election of the Board. Initially, the Board will be composed of up to seven voting Trustees, and may be expanded by resolution to include additional Trustees provided that the total number of Trustees not exceed fifteen. Additionally, one representative of BRICK Academy Newark and the Achieve Community Charter Executive Director will maintain non-voting ex-official members of the Board.

N.J.S.A. 18A:12-6; 18A:12-9; 18A:12-11; 18A:12-15

Adopted: 25 August 2021



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

Each member of the Board of Trustees shall possess the qualifications required by law and shall be bound by the provisions of the School Ethics Act.

#### Qualification of Office

A Board member must be a citizen of the United States.

A Board member must be able to read and write.

A Board member must be registered to vote and not disqualified from voting pursuant to N.J.S.A. 19:4-1.

A Board member may not have been convicted of a crime or offense as listed in N.J.S.A. 18A:12-1.

Each member of the Board of Trustees, within thirty days of election or appointment to the Board shall undergo a criminal history background investigation for the purpose of ensuring the member is not disqualified from membership due to a criminal conviction of a crime or offense listed in N.J.S.A. 18A:12-1 et seq. The Board of Trustees may reimburse the Board member for the costs of the criminal history record check. The Commissioner of Education shall notify the Board of Trustees if a member has been disqualified from membership on the Board as the result of the criminal history record check. The Commissioner of Education will also notify the Board if a Board member has charges enumerated in N.J.S.A. 18A:12-1 pending against him/her and the Board shall take appropriate action. If the pending charges result in conviction, the member shall be disqualified from continued membership on the Board.

#### Prohibited Acts

“Business” means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, political organization, or other legal entity but does not include a school or other public entity.

“Interest” means the ownership of or control of more than ten percent of the profits, assets, or stocks of a business but does not include the control of assets in a labor union.





“Immediate family” means the person to whom the Board member is legally married and any dependent child of the Board member residing in the same household.

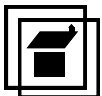
No Board member or member of his/her immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity that is in substantial conflict with the proper discharge of his/her duties in the public interest.

No Board member shall use or attempt to use his/her official position to secure unwarranted privileges, advantages, or employment for him/herself, members of his/her immediate family, or others.

No Board member shall act in his/her official capacity in any matter where he/she, a member of his/her immediate family, or a business organization in which he/she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his/her independence of judgment in the exercise of official duties. No Board member shall act in his/her official capacity in any matter where he/she or a member of his/her immediate family has a personal involvement that is or creates some benefit to the Board member or a member of his/her immediate family.

No Board member shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his/her independence of judgment in the exercise of official duties.

No Board member or member of his/her immediate family or business organization in which he/she has an interest shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him/her, directly or indirectly, in the discharge of his/her official duties, except that the member may have solicited or accepted contributions to his/her campaign for election to public office if he/she had no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence him/her in the discharge of official duties. Board members may not accept offers of meals, entertainment or hospitality which are limited to clients/customers of the individual providing such hospitality. Board members may attend hospitality suites or receptions at conferences only when they are open to all persons attending the conference.



No Board member shall use, or allow to be used, his public office or any information not generally available to the members of the public which he/she receives or acquires in the course of and by reason of his/her office, for the purpose of securing financial gain for him/herself, any member of his/her immediate family, or any business organization with which he/she is associated.

No Board member or business organization in which he/she has an interest shall represent any person or party other than the Board of Trustees or this school in connection with any cause, proceeding, application, or other matter pending before this school or in any proceeding involving this school, except that this provision shall not be deemed to prohibit representation within the context of official labor union or similar representational responsibilities.

It is not a conflict of interest if, merely by reason of his/her participation in any matter voted upon by the Board, a Board member accrues material or monetary gain that is no greater than the gain that could reasonably be expected to accrue to any other member of the member's business, profession, occupation, or group.

Nothing shall prohibit a Board member or members of his/her immediate family from representing him/herself or themselves in negotiations or proceedings concerning his/her or their own interests, except that Board members shall disqualify themselves from participating in negotiations and voting on collective bargaining agreements where their spouse or dependent children are members of the bargaining unit.

Each Board member shall annually, in accordance with N.J.S.A. 18A:12-25 and 18A:12-26, file a disclosure statement regarding potential conflicts of interest.

### Ineligibility for School Employment

A Board member cannot be appointed to a paid office or position required to be filled by the Board, except where law permits or requires that the office or position be filled by a Board member, and is ineligible for appointment to a paid office or position in the school for at least six months after the member's retirement, resignation, or removal from Board membership.

### Code of Ethics

In accordance with N.J.S.A 18A:12-24.1 every Board member will abide by the following Code of Ethics. The Board member will:



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Board Member Qualifications, Prohibited Acts,  
and Code of Ethics

1. Uphold and enforce all laws, rules and regulations of the State Board of Education and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.
2. Make decisions in terms of the educational welfare of children and seek to develop and maintain a public school that meet the individual needs of all children regardless of their ability, race, creed, sex, or social standing.
3. Confine his/her Board action to policy making, planning and appraisal, and help to frame policies and plans only after the Board has consulted those who will be affected by them.
4. Carry out his/her responsibility not to administer the school, but together with fellow Board members, insure they are well run.
5. Recognize that authority rests with the Board of Trustees and make no personal promises nor take any private action that may compromise the Board.
6. Refuse to surrender his/her independent judgment to special interest or partisan political groups or to use the school for personal gain or for the gain of friends.
7. Hold confidential all matters pertaining to the school, which, if disclosed, would needlessly injure individuals, or the school. In all other matters, he/she will provide accurate information and, in concert with fellow Board members, interpret to the staff the aspirations of the community for its school.
8. Vote to appoint the best-qualified personnel available after consideration of the recommendation of the chief administrative officer.
9. Support and protect school personnel in proper performance of their duties.
10. Refer all complaints to the chief administrative officer and act on the complaints at public meetings only after failure of an administrative solution.

Each Board member is required to sign an acknowledgment that he/she received a copy, read and will become familiar with the Code of Ethics for School Board Members contained within N.J.S.A. 18A:12-21 et seq. The School Business Administrator/Board Secretary will provide each Board member with a copy of the Code of Ethics and the required acknowledgement on an annual basis and will maintain the original signed acknowledgment(s) in the Board office.



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Board Member Qualifications, Prohibited Acts,  
and Code of Ethics

The Board will receive a copy of and discuss the School Ethics Act and the Code of Ethics for School Board Members, pursuant to N.J.S.A. 12-21 et seq., at a regular scheduled public meeting each year. The discussion may include presentations by school administrative staff, the Board attorney, Board members and/or other professionals familiar with the School Ethics Act and the Code of Ethics. In addition, the Board Attorney, Chief Executive Officer, and/or the School Business Administrator/Board Secretary will keep the Board informed of decisions by the School Ethics Commission, Commissioner of Education, State Board of Education and courts.

### Oath of Office

Each Board member shall, before entering upon the duties of the office, swear or affirm under oath that he/she qualifies for membership and will faithfully discharge the duties of the office of Board member.

N.J.S.A. 18A:12-1; 18A:12-1.1; 18A:12-2;  
18A:12-2.1; 18A:12-21 through 18A:12-34  
N.J.S.A. 41:1-3  
School Ethics Commission Policy Guideline 1.

Adopted: 25 August 2021



### 0142.1C NEPOTISM – CHARTER SCHOOL

The Board of Trustees adopts this Nepotism Policy as a condition of receiving State aid pursuant to N.J.A.C. 6A:23A-22.10.

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

For the purposes 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 purposes of this Policy, “administrator” is defined as set forth in N.J.S.A. 18A:12-23.

No relative of a Board member or the Chief Executive Officer shall be employed in an office or position in the charter school except that a person employed by the charter school on the effective date of the Policy or the date a relative becomes a Board member or Chief Executive Officer shall not be prohibited from continuing to be employed or promoted in the school.

The Chief Executive Officer shall not recommend to the Board pursuant to N.J.S.A. 18A:12-21 through 34 any relative of a Board member or the Chief Executive Officer. However, in accordance with N.J.A.C. 6A:23A-22.10(a)2, the charter school may employ a relative of a Board member or Chief Executive Officer provided the charter school obtains the approval from the Executive County Superintendent of Schools. Such approval shall be granted only upon demonstration by the charter school that it conducted a thorough search for candidates and that the proposed candidate is the only qualified and available person for the position.

In accordance with N.J.A.C. 6A:23A-22.10(a)6.(b), per diem substitutes and student employees who are relatives of a Board member or the Chief Executive Officer shall be excluded from the provisions of this Policy and N.J.A.C. 6A:23A-22.10.

A charter school administrator shall be prohibited from exercising direct or indirect authority, supervision, or control over a relative of the administrator. Where it is not feasible to eliminate such a direct or indirect supervisory relationship, appropriate screens and/or alternative supervision and reporting mechanisms must be put in place.



A charter school administrator or Board member who has a relative who is a member of the bargaining unit shall be prohibited from discussing or voting on the proposed collective bargaining agreement with that unit or from participating in any way in negotiations, including, but not limited to, being a member of the negotiating team; nor should that charter school administrator be present with the Board in closed session when negotiation strategies are being discussed; provided however, that the administrator may serve as a technical resource to the negotiating team and may provide technical information necessary to the collective bargaining process when no one else in the charter school can provide such information.

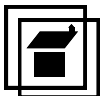
A charter school administrator or Board member who has an immediate family member who is a member of the same Statewide union in another school district or charter school shall be prohibited from participating in any way in negotiations, including, but not limited to, being a member of the negotiating team or being present with the Board in closed sessions when negotiation strategies are being discussed, prior to the Board attaining a Tentative Memorandum of Agreement with the bargaining unit that includes a salary guide and total compensation package. Once the Tentative Memorandum of Agreement is established, a charter school administrator with an immediate family member who is a member of the same State-wide union in another school district or charter school may fully participate in the process, absent other conflicts. Notwithstanding these provisions, a charter school administrator who has an immediate family member who is a member of the same Statewide union in another district or charter school may serve as a technical resource to the negotiating team and may provide technical information necessary to the collective bargaining process when no one else in the charter school can provide the information.

Achieve Community Charter School will not refuse to hire someone simply because he or she is related to a current employee who is not in an administrative role. There are times, however, when employing relatives is inappropriate and has the potential to affect the morale of other employees and to create conflicts of interest for the relatives involved. Therefore, Achieve Community Charter School will not hire relatives of current employees where one relative will be responsible for supervision of the other.

It is the responsibility of both the current employee and newly hired employee to disclose of familial and personal relationships upon hire. Failure to disclose such information can lead to disciplinary action, up to and including termination.

N.J.A.C. 6A:23A-22.10

Adopted: 25 August 2021



## 0143 BOARD MEMBER ELECTION AND APPOINTMENT

The initial Trustees are set forth in the Certificate of Incorporation. All successor Trustees shall be elected annually by the Trustees at the annual meeting of the Trustees.

Initially, the Trustees shall be randomly assigned terms of one, two, or three years in length. Following the initial elections, all terms thereafter shall be three years in length so that approximately one-third of the Board of Trustees is elected each year. No Trustee can serve indefinite terms.

Notwithstanding anything to the contrary in this Bylaw 0143, the Board, in its sole discretion, may elect one or more new Trustee(s) at any time during the year at any regular meeting or special meeting of the Board, provided that, the total number of Trustees may not exceed fifteen. Further, the term of any new Trustee elected at any Board meeting (whether or not regular, special, or the annual meeting) shall be from the date of election until the fourth June 30<sup>th</sup> after the date of such election. (i.e.: A Trustee elected at a regular meeting on December 18, 2019 shall serve until June 30, 2023.) In the event; however, that any Trustee is elected at a Board meeting that takes place on June 30<sup>th</sup>, then the term of such newly elected Trustee shall last until the third June 30<sup>th</sup> after the date of such election.

N.J.S.A. 18A:12-11; 18A:12-15

Adopted: 25 August 2021



### 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 Chief Executive Officer, 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 Chief Executive Officer.

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 Chair (if available), the Chief Executive Officer, and the School Business Administrator/Board Secretary.

Each newly elected or appointed Board member shall complete during the first year of the member's first term a training program to be prepared and offered by the New Jersey School Boards Association, in consultation with the New Jersey Association of School Administrators, the New Jersey Principals and Supervisors Association, and the Department of Education, regarding the skills and knowledge necessary to serve as a Board member.

The training program shall include information regarding the school monitoring system established pursuant to P.L. 2005, c. 235, the New Jersey Quality Single Accountability Continuum, and the five key components of school effectiveness on which the school is evaluated under the monitoring system: instruction and program; personnel; fiscal management; operations; and governance.

The Board member shall complete a training program on school governance in each of the subsequent two years of the Board member's first term.

Within one year after each re-election or re-appointment to the Board of Trustees, the Board member shall complete an advanced training program to be prepared and offered by the New Jersey School Boards Association. This advanced training program shall include information on relevant changes to New Jersey school law and other information deemed appropriate to enable the Board member to serve more effectively.

The New Jersey School Boards Association shall examine options for providing training programs to Board members through alternative methods such as on-line or other distance learning media or through regional-based training.





# BYLAWS

## ACHIEVE COMMUNITY CHARTER SCHOOL BOARD OF TRUSTEES

BYLAWS

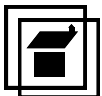
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Board Member Orientation and Training

Within one year after being newly elected or appointed or being re-elected or re-appointed to the Board of Trustees, a Board member shall complete a training program on harassment, intimidation, and bullying in the school, including a school's responsibilities under P.L. 2002, c.83 (C.18A:37-13 et seq.). A Board member shall be required to complete the program only once. Training on harassment, intimidation, and bullying in the school shall be provided by the New Jersey School Boards Association, in consultation with recognized experts in school bullying from a cross section of academia, child advocacy organizations, nonprofit organizations, professional associations, and government agencies.

N.J.S.A. 18A:12-33; 18A:37-13 et seq.

Adopted: 25 August 2021



### 0145 BOARD MEMBER RESIGNATION AND REMOVAL

A Trustee may resign by submitting his or her resignation in writing to the Board Chair of the Board of Trustees. A Trustee may be removed with or without cause by the affirmative vote of two-thirds of the entire Board of Trustees.

A Trustee whose removal is to be considered shall receive at least two weeks written notice of such proposed action and shall have the opportunity to address the Board regarding such action prior to any vote on such removal.

#### Attendance of Trustees

Trustees are expected to attend Board meetings. It shall be the duty of the Secretary of the Board to communicate with any member after such member's three unexcused, consecutive absences to ascertain continuing interest in Board membership. Failure to provide adequate response may qualify as sufficient cause for removal from the Board of Trustees.

#### Vacancies

Vacancies in the Trustees shall be filled within ninety days. Vacancies in the Trustees shall be filled through election by the Board of Trustees. Trustees thus appointed shall serve for the remainder of the vacated term. Notwithstanding the foregoing, a vacancy in the office of Board Chair because of death, resignation, removal, disqualification, or any other cause may be filled in the following succession: Vice-Chair, and Secretary.

N.J.S.A. 18A:12-2; 18A:12-3; 18A:12-29

N.J.S.A. 19:27A-1 et seq.

Adopted: 25 August 2021



### 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, in accordance with Board Policy No. 9120C. 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 School policy and procedures for school visitors.

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

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

Adopted: 25 August 2021



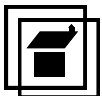
## 0148 BOARD MEMBER INDEMNIFICATION

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.

N.J.S.A. 18A:11.1; 18A:12-20; 18A:16-6;  
18A:16-6.1; 18A:18A-46; 18A:18A-47

Adopted: 25 August 2021

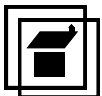


## 0151 ANNUAL MEETINGS AND REGULAR MEETINGS

The annual meeting of the Board, for the election of Trustees and Officers and such other business as may come before the meeting, shall be held in June of each year upon not less than ten nor more than sixty days written notice of the time, place, and purposes of the meeting at the principal office of the Corporation, or such other time and place as shall be specified in the notice of the meeting.

The Board shall provide for regular meetings to be held every month, except during the month of July; said meetings may be held without notice by resolution containing the date and time adopted at the annual meeting of the Board. Upon the effective date to operate as a public school as authorized by the State Commission of Education, all notices of the Board shall comply with the notice requirements contained in the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. The Board may provide for additional regular meetings which may be held without notice with resolution adopted at any meeting of the Board.

Adopted: 25 August 2021



### 0152 BOARD OFFICERS

The Board of Trustees shall organize at its first regular meeting by electing one of its members as Board Chair and another as Vice Chair.

The Officers of the Board of Trustees shall include a Board Chair, Vice-Chair, and Secretary and such other officers whose positions shall be created from time to time by the Board of Trustees to perform such duties as may be prescribed by the Board of Trustees. Any two or more offices may be held by the same person, but no officer shall execute, acknowledge, or verify any instrument in more than one capacity if such instrument is required by law or by these Bylaws to be executed, acknowledged, or verified by two or more officers.

Notwithstanding anything to the contrary in this Bylaw 0152, the Board, in its sole discretion, may elect and appoint as the Secretary of the Board a person who is not serving as a Trustee of the Board. Said non-Trustee Secretary may perform all the duties and possess all of the powers described in 3. below. Further, the Board may designate and appoint a person, who is not a Trustee of the Board, to act in place of the Secretary, whether said Secretary is a Trustee or is not a Trustee of the Board, to submit and/or certify information to any governmental entity and/or to receive and hold in trust all school monies as set forth in 3. below, provided however, that said designee shall not have the power to sign checks or to transact business with a bank and/or financial institution in place of the Secretary.

#### Election

The Officers shall be elected by the Trustees at the annual meeting of the Trustees and shall serve terms of one year each and until their successors are elected.

#### Consecutive Terms

There is no limit to the number of terms any officer may serve in any one position.

#### Duties

The duties and authority of the Officers shall be determined from time to time by the Board. Subject to any such determination, the Officers shall have the following duties and authority:

1. The Board Chair shall be the chief officer of the Board, shall have general charge and supervision over and responsibility for the affairs of the Board, and shall preside at all meetings of the Board. Unless otherwise directed by the Board, all other Officers shall be subject to the authority and supervision of the Board Chair.



The Board Chair may enter into and execute in the name of the Corporation contracts or other instruments not in the regular course of business, which are authorized, either generally or specifically, by the Board. The Board Chair may delegate from time to time to any other officer, any or all such duties and authority.

2. The Vice-Chair shall have such duties and possess such authority as may be delegated to the Vice-Chair by the Board Chair.
3. The Secretary shall cause notices of all meetings to be served as prescribed by these Bylaws and shall keep or cause to be kept the minutes of all meetings of the Board. The Secretary shall perform such other duties and possess such powers as are incident to the officer or shall be assigned by the Board Chair and as required under N.J.S.A. 18A:17-5. The Secretary, or his or her designee, shall receive and hold in trust all school monies pursuant to N.J.S.A. 18A:17-9.1, 9.2, and 10.

### Resignation and Removal

An officer may resign by submitting his or her resignation in writing to the Chairperson of the Board of Trustees. An Officer may be removed with or without cause by the affirmative vote of two-thirds of the entire Board of Trustees. An Officer whose removal is to be considered shall receive at least two weeks' notice as such proposed action and shall have the opportunity to address the Board regarding such action prior to any vote on such removal.

Officers shall serve for one year and until their respective successors are elected and shall qualify, but if the Board shall fail to hold the organization meeting or to elect Board officers as prescribed by N.J.S.A. 18A:15-1, the Executive County Superintendent shall appoint from among the members of the Board a Chair and/or Vice Chair.

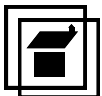
### Vacancies

Vacancies in the Officers shall be filled by election by the Board of Trustees. Officers thus elected shall serve for the remainder of the vacated term.

A vacancy in the office of Board Chair because of death, resignation, removal, disqualification, or any other cause may be filled in the following succession: Vice-Chair, and Secretary.

N.J.S.A. 18A:15-1; 18A:15-2

Adopted: 25 August 2021

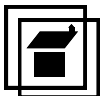


## 0153 ANNUAL APPOINTMENTS

The Board of Trustees may annually appoint the following positions:

1. A Board Secretary,  
N.J.S.A. 18A:17-2, 17-5;
2. A public school accountant,  
N.J.S.A. 18A:23-1;
3. A medical inspector,  
N.J.S.A. 18A:40-1;
4. A psychological examiner,  
N.J.S.A. 18A:46-11;
5. A member to serve as delegate to the New Jersey School Boards Association,  
N.J.S.A. 18A:6-46;
6. An attendance officer(s),  
N.J.S.A. 18A:38-32;
7. A Treasurer of School Moneys,  
N.J.S.A. 18A:17-31;
8. A member to serve as delegate to the Essex County School Boards Association;
9. An attorney; and
10. An insurance broker(s).

Adopted: 25 August 2021



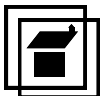


0154 ANNUAL MOTIONS AND DESIGNATIONS

The Board of Trustees shall at the organizational meeting:

1. Designate one or more depositories for school funds, N.J.S.A. 18A:17-34;
2. Designate those persons authorized to sign school warrants, N.J.S.A. 18A:19-1;
3. Designate the official newspaper, N.J.S.A. 18A:22-11; 18A:39-3;
4. Designate a second newspaper for the publication of Board meetings, N.J.S.A. 10:4-8;
5. Designate the day, place, and time for regular meetings of the Board;
6. Approve the curriculum for all grades; and
7. Readopt existing bylaws and policies for the Board's operation and the operation of the school.

Adopted: 25 August 2021



### 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.

The Chair shall appoint Board members to serve a one-year term on the following Board standing committees:

Finance, Personnel, and Executive Committee.

An ad hoc committee may be created and charged at any time by the Chair or a majority of the Board members present and voting. The Chair shall appoint members to any committee so created and charged; members shall serve until the committee is discharged.

Committees shall consist of no more than two Board members, one of whom shall be the Chair, who shall serve as ex officio member on all Board committees. A member may request or refuse appointment to a committee; a member's refusal to serve on any one committee shall not prejudice his/her appointment to another committee.

The Board reserves the right to meet and work as a Committee of the Whole in informational, discussion, and exploratory sessions. No official action shall be taken at these meetings, unless so advertised.

A chairperson shall be appointed by the Chair.

Committee meetings may be called at any time by the committee chairperson or when a meeting is requested by a majority of the members of the committee.

Committee meetings shall not be open to the public, except that a majority of the committee or the chairperson may open the meeting to the public or invite persons whose knowledge or expertise may be useful to the committee.

Adopted: 25 August 2021



## 0161 CALL, ADJOURNMENT AND CANCELLATION

The Board of Trustees shall meet in public session at least once every two months during the period in which the school is in session.

All meetings shall be called to commence not later than 8:00 p.m. of the day designated.

A meeting not regularly scheduled may be called by the Board Secretary at the request of the Chair or upon the presentation to the Board Chair of a petition requesting a meeting and signed by a majority of the full Board.

The Board may at any time recess or adjourn to an adjourned meeting at a time, date, and place announced before the adjournment takes place. The adjourned meeting shall take up its business at the point in the agenda where the motion to adjourn was passed.

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 Board Secretary at the request of the Chair. Notice of the cancellation shall be given, by expedient means, to all Board members, to the Chief Executive Officer, and, whenever possible, to the newspapers in which notice of Board meetings is regularly given. 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.

N.J.S.A. 18A:10-6

N.J.A.C. 6A:32-3.1

Adopted: 25 August 2021



## 0162 NOTICE OF BOARD MEETINGS

The Board of Trustees will give notice of all meetings in accordance with law.

### Public Notice

The Board Secretary shall notify, in writing and no later than forty-eight hours in advance of the meeting, each Board member and each person who has duly requested such notification of the time, date, location, and, to the extent it is known, the agenda of any regular, special, or rescheduled meeting. Forty-eight hour notice shall also be posted in the Board office, delivered to two newspapers designated by the Board, and filed with the clerk of Newark, except that forty-eight hour notice is not required where the time, date, and location of the meeting has been published in the annual list of meetings approved by the Board in accordance with law.

Upon the affirmative vote of three-quarters of the members present, the Board may meet in the absence of adequate notice, provided that discussion and action is limited to specific and unforeseen or unforeseeable matters of such urgency and importance that delay for the provision of notice would be likely to result in substantial harm to the public interest and that notice is given as soon as possible after the call of the meeting in accordance with the provisions of law and this bylaw.

### Personal Notice of Meeting

The Board shall provide personal notice in writing to an adult scholar, the parent(s) or legal guardian(s) of a minor scholar, an employee or officer of this charter school, or a prospective employee whose privacy may be invaded or whose employment may be affected by the Board's deliberations in private session. Such personal notice will include the date and time of the private meeting, the subject or subjects scheduled for discussion at the private meeting, and the right of the individual given notice to request that the discussions be conducted at a public meeting. Personal notice will be given no less than seventy-two hours in advance of the private meeting.

A written request for public discussion must be signed by the person making the request and must be submitted to the Board Chair prior to the commencement of the meeting. Any such properly submitted request will be granted. In the event that one or more, but fewer than all, of a group of persons whose employment will be discussed request a public meeting, the discussion regarding the person or persons who have submitted the request will be severed from the rest and will be conducted publicly.



A discussion held in public by reason of the written request of an individual will be conducted at a regularly scheduled meeting for which annual notice has been given or at a meeting for which adequate public notice has been given in accordance with law.

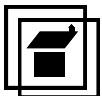
Nothing in this bylaw will permit an employee to request or the Board to grant the public discussion of tenure charges or permit the public disclosure of information regarding a disabled student.

### Special Meetings of the Board

Special meetings of the Board for any purpose or purposes may be called at any time by the Board Chair or any of the Trustees upon written demand of not less than one fifth of the entire Board. Such meetings shall be held upon not less than two days' notice given personally or by telephone or telegraph, or upon not less than four days' notice given by depositing notice in the United States mail, postage prepaid. Upon the effective date to operate as a public school, such notice shall specify the time and place of the meeting and in all respects comply with the notice requirements contained in the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.

N.J.S.A. 10:4-6 et seq.; 10:4-8d; 10:4-9b  
N.J.S.A. 18A:6-11; 18A:10-6  
N.J.A.C. 6A:32-3.1

Adopted: 25 August 2021



### 0163 QUORUM

A majority of the entire Board of Trustees shall constitute a quorum of the Board for the transaction of business. The act of the majority of the Trustees at a meeting at which a quorum is present shall be the act of the Board (except that the act of the majority of the entire Board shall be required with respect to any amendment to these Bylaws or the Certificate of Incorporation).

In the event a quorum is not present at the hour of convening, the meeting may be recessed to a time not later than 9:00 p.m. of the same day. If a quorum is not then present, the members present may adjourn the meeting to a later date within seven days.

The Board of Trustees recognizes that there may be matters that come before the Board or acts required of Board members in their official capacity where the Board member may have a conflict of interest or the act would be in violation of N.J.S.A. 18A:12-24. In these matters, the Board member(s) will remove himself/herself from any discussions, meetings (informal or formal), committee meetings, and/or a vote regarding the matter. The Board will consider this matter without the Board member(s) who has the conflict.

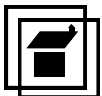
In the event a matter comes before the Board or an act is required of a Board member in his/her official capacity that is a conflict or would be in violation of N.J.S.A. 18A:12-24, the Board would still be required to have a quorum to consider the matter. However, the New Jersey Department of Education and the School Ethics Commission has envisioned this prohibition could create a situation in which so many Board members have a conflict, that the Board would be unable to take action on a matter. Therefore, when more than a quorum of the Board members must abstain from voting on a matter, the Board will invoke the Doctrine of Necessity consistent with the New Jersey Department of Education and School Ethics Commission guidelines as follows:

#### A. Board Member(s) in Conflict - Less Than a Majority of The Board

1. In the event a Board member(s) has a conflict of interest where the Board member will act in his/her official capacity, the Board member must remove himself/herself from any discussions, meetings (informal or formal), committee meetings, and/or a vote regarding the matter.
2. In the event a Board member is unsure whether he/she or any other Board member has a conflict of interest or whether the matter, if acted upon by a Board member(s) is in violation of N.J.S.A. 18A:12-24 - Prohibited Acts, the School Board Attorney will make a determination.
3. The School Board Attorney will provide the Board of Trustees an opinion on whether the matter is a conflict of interest or act prohibited by N.J.S.A. 18A:12-24 - Prohibited Acts.



4. If the Board member(s) believes he/she has a conflict of interest where he/she will act in his/her official capacity or if the School Board Attorney renders an opinion that the Board member has a conflict of interest where the Board member will act in his/her official capacity, the Board member will remove himself/herself from any discussions, meetings (informal or formal), committee meetings, and/or a vote regarding the matter.
- B. A Majority of Board Members in Conflict
1. In the event:
    - a. A Board member(s) believes he/she has a conflict of interest where he/she will act in his/her official capacity; or
    - b. If the School Board Attorney renders an opinion that the Board member(s) has a conflict of interest where the Board member will act in his/her official capacity; and
    - c. The number of Board members that have a conflict would make it so the Board would be unable to take action on the matter, then the Board may invoke the “Rule [or Doctrine] of Necessity.” (Citing *U.S. v. Will*, 449 *U.S.* 200 (1980)).
- C. Rule [Or Doctrine] Of Necessity
1. The Doctrine of Necessity may be invoked when more than a quorum of the Board must abstain from voting on a matter.
  2. There are three prerequisites necessary for a Board to invoke the Doctrine of Necessity:
    - a. The Board must be unable to act without the members in conflict taking part;
    - b. There must be a pressing need for action, i.e. the matter cannot be laid aside until another date; and
    - c. There can be no alternative forum that can grant the same relief. (*Allen v. Toms River Regional Board of Education*, 233 *N.J. Super* 651 (Law Division 1989).
  3. When the School Board Attorney advises the Board the Doctrine of Necessity must be invoked in order to obtain a quorum on a vote, the Board must announce that it is invoking the Doctrine.



- a. The announcement must include the reason the Board must invoke the Doctrine of Necessity including stating the nature of each Board members conflict.
  - b. The announcement will be in writing and should be recorded in the minutes of the meeting by the Board Chair at the point when the vote takes place.
  - c. It is enough for the Board to announce it is invoking the Doctrine and a Board Resolution is not required.
4. When the Board announces the Doctrine of Necessity is being invoked, the details, parameters and/or other pertinent facts of the matter to be voted should be revealed on an agenda for the public meeting in which the matter is to be voted upon.
5. The Board members who have a conflict in the matter are prohibited from:
  - a. Participating in any discussions on the matter prior to the announcement and public meeting; and
  - b. From entering an executive session in order to discuss the merits of the matter or contract; and
  - c. From offering their opinions on the matter at any time prior to the announcement and public meeting.
6. The Board members who have a conflict in the matter may only participate to the extent they may vote after the motion to approve and/or ratify the matter has been made and seconded and the Doctrine of Necessity has been thoroughly explained to the public.
7. Board members in conflict may only ask questions regarding the matter to be voted on in public and after the Board has invoked the Doctrine of Necessity.
8. Board members in conflict may explain their reasons for not voting just before the vote.

N.J.S.A. 18A:12-24  
New Jersey School Ethics Commission Advisory Opinion  
A10-93(b) and A07-94

Adopted: 25 August 2021





### 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 Board Chair shall preside at all meetings of the Board. In the absence, disability, or disqualification of the Chair, the Vice Chair 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.

#### Announcement of Adequate Notice

The person presiding shall commence each meeting with an announcement of the notice given for the meeting or a statement regarding the lack of adequate notice, in accordance with law.

#### Agenda

The Board Chair and the School Business Administrator/Board Secretary shall prepare an agenda of items of business to come before the Board at each meeting. The agenda shall be delivered to each Board member no later than two days before the meeting and shall include such reports and supplementary materials as are appropriate and available.

N.J.S.A. 10:4-10

N.J.S.A. 18A:16-1.1

Adopted: 25 August 2021



### 0164.6 REMOTE PUBLIC BOARD MEETINGS DURING A DECLARED EMERGENCY

#### Board Participation by Other Means

In all events, a quorum of Trustees must either be physically present or participating via video or telephone-conference equipment or similar electronic equipment to lawfully conduct a meeting of the Board, to the extent permitted by the Open Public Meetings Act. Notwithstanding the foregoing, prior to the Corporation's effective date to operate as a public school, if all the Trustees unanimously consent in writing to any action to be taken by the Corporation, the action shall be as valid as if the action had been authorized at a meeting of the Board. Such written consents can be communicated by electronic mail and shall be filed in the minute book of the Corporation.

#### Remote Public Board Meetings During a Declared Emergency

##### A. Purpose – N.J.A.C. 5:39-1.1

1. The purpose of N.J.A.C. 5:39-1.1 et seq. and Bylaw 0164.6 is to ensure a Board of Education or Board of Trustees of a charter school can conduct official public business in an open and transparent manner whenever a declared emergency requires a local public body to conduct a public meeting without physical attendance by members of the public.
2. Nothing in N.J.A.C. 5:39-1.1 et seq. prevents a local public body from holding a remote public meeting under such other circumstances as may be permitted by the Open Public Meetings Act, N.J.S.A. 10:4-1 et seq.

##### B. Definitions – N.J.A.C. 5:39-1.2

For the purpose of this Bylaw and in accordance with N.J.A.C. 5:39-1.2, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

"Adequate notice" shall have the same definition as at N.J.S.A. 10:4-8; however, for the purpose of N.J.A.C. 5:39-1.1 et seq., and to the extent not otherwise set forth at N.J.S.A. 10:4-8, the notice transmitted to at least two newspapers for publication may occur through electronic mail or other electronic means that is accepted or requested by the newspaper.



"Annual notice" means a schedule of regular meetings of the public body to be held in the succeeding year noticed pursuant to N.J.S.A. 10:4-8 and 10:4-18. For the purpose of N.J.A.C. 5:39-1.1 et seq., the annual notice may be transmitted through electronic mail to newspapers and persons requesting an annual notice pursuant to N.J.S.A. 10:4-18. If the declared emergency prevents the local public body from mailing an annual notice to individuals requesting notice pursuant to N.J.S.A. 10:4-18, it shall be mailed to individuals for whom the local public body does not have an electronic mail account as soon as practicable.

"Board" or "Board of Education" means a Board of Education or a Board of Trustees of a charter school as defined as a "local public body" or "public body" as per N.J.A.C. 5:39-1.2.

"Declared emergency" means a public health emergency, pursuant to the Emergency Health Powers Act, P.L. 2005, c. 222 (N.J.S.A. 26:13-1 et seq.), or a state of emergency, pursuant to P.L. 1942, c. 251 (N.J.S.A. App.A.9-33 et seq.), or both, or a state of local disaster emergency that has been declared by the Governor and is in effect.

"Electronic notice" means advance notice available to the public via electronic transmission of at least forty eight hours, giving the time, date, location and, to the extent known, the agenda of any regular, special, or rescheduled meeting, which shall accurately state whether formal action may or may not be taken at such meeting.

"Internet" means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

"Live streaming" means the live audio and video transmission of a remote public meeting over the Internet.

"Local public body" means any "public body," as that term is defined in N.J.S.A. 10:4-8, with territorial jurisdiction equal to or less than a county. This term shall include Boards of Education, counties, municipalities, boards and commissions created by one or more counties or municipalities, and any authorities subject to N.J.S.A. 40A:5A-1 et seq., including fire districts and other special districts, along with joint meetings or regional service agencies as defined in N.J.S.A. 40A:65-3.

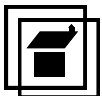
"Public business" means and includes all matters which relate in any way, directly or indirectly, to the performance of the public body's functions or the conduct of its business.



"Public meeting" means and includes any gathering whether corporeal or by means of communication equipment which is attended by, or open to, all of the members of a public body, held with the intent, on the part of the members of the body present, to discuss or act as a unit upon the specific public business of that body. Meeting does not mean or include any such gathering (1) attended by less than an effective majority of the members of a public body, or (2) attended by or open to all the members of three or more similar public bodies at a convention or similar gathering.

"Remote public meeting" means a public meeting that is conducted by any means of electronic communication equipment permitted pursuant to N.J.A.C. 5:39-1.1 et seq.

- C. Circumstances Under Which a Board of Trustees May Hold a Remote Public Meeting During a Declared Emergency for Conducting Public Business – N.J.A.C. 5:39-1.3
1. In addition to any circumstances under which public meetings held by means of communication equipment may be authorized pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-1 et seq., the Board may hold a remote public meeting to conduct public business during a declared emergency if the emergency reasonably prevents the Board from safely conducting public business at a physical location with members of the public present.
  2. If, during a declared emergency, the Board holds a physical meeting in a location where, pursuant to State and/or Federal guidelines meant to mitigate the risk of a contagious infection, the declared emergency necessitates capacity restrictions reducing the number of individuals that can be present in the meeting room to an amount below that reasonably expected for the public meeting by the Board, the Board must either hold the public meeting at another location with adequate capacity for the reasonably expected attendance by the public or hold the public meeting as both an in-person meeting and a remote public meeting.
    - a. As set forth at N.J.A.C. 5:39-1.4(c), no in-person meeting shall proceed if the room capacity does not permit any member of the public to attend.
  3. Nothing in N.J.A.C. 5:39-1.3 shall be interpreted to prevent the Board from broadcasting the audio and/or video of, or taking remote public comment during, a public meeting that the public can physically attend without being subject to public health-related capacity restrictions.
- D. Minimum Technological and Procedural Requirements for Remote Public Meetings Necessitated by a Declared Emergency – N.J.A.C. 5:39-1.4



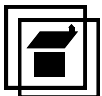
1. If a declared emergency requires the Board to hold a remote public meeting to conduct public business, the Board shall use an electronic communications technology that is routinely used in academic, business, and professional settings, and can be accessed by the public at no cost.
  - a. Participant capacity on the selected platform should be consistent with the reasonable expectation of the public body for public meetings of the type being held and shall not be limited to fewer than fifty public participants (beyond those persons required to conduct business at the meeting).
2. Remote public meetings may be held by means including, but not limited to, audio-only teleconferencing, electronic communications platforms with video and audio, and Internet-accessible technology, such as live-streaming.
  - a. If an electronic communications platform or Internet-accessible technology is being utilized for a remote public meeting, a telephonic conference line shall also be provided to allow members of the public to dial-in by telephone to listen and provide public comment as otherwise required by law.
  - b. The Board may require members of the public to state, prior to providing public comment, whether they wish to speak and to identify themselves prior to speaking.
3. The Board shall provide the public with similar access to a remote public meeting as members of the Board, staff of the Board, and any individuals seeking one or more approvals from the Board.
  - a. If a remote public meeting is held by audio and video, the public shall also have the opportunity to participate in the meeting in both audio and video capacities.
  - b. The Board meeting held in-person shall not prohibit members of the public from attending in-person.
4. Any remote public meeting where sworn testimony is being taken shall be broadcast by video, as well as by audio.



- a. All individuals giving sworn testimony at a remote public meeting shall appear by video in addition to audio.
5. Any presentations or documents that would otherwise be viewed or made available to members of the public physically attending the Board meeting shall be made visible on a video broadcast of the remote public meeting or made available on the Internet website or webpage of the entity governed by the Board, or the Internet website or webpage of the entity responsible for appointing the members of the Board.
  - a. If a document would be made available to individual members of the public in hard copy while physically attending the meeting, the document shall be made available in advance of the meeting for download through an internet link appearing either on the meeting notice, or near the posting of the meeting notice, both on the website and at the building where the meeting would otherwise be held.
  - b. If the Board does not have its own website, such documents shall be available upon request ahead of the meeting and provided through an official social media account if one exists.
6. The Board holding a remote public meeting shall allow members of the public to make public comment by audio, or by audio and video, if the remote public meeting is held over both audio and video, during the meeting.
  - a. In advance of the remote public meeting, the Board shall allow public comments to be submitted to the School Business Administrator/Board Secretary by electronic mail and in written letter form by a reasonable deadline.
  - b. The Board shall not accept text-based public comment received during a remote public meeting held through an electronic communications platform or Internet-accessible technology. Public comments submitted before the remote public meeting through electronic mail or by written letter shall be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and the public.



- c. The Board shall impose a reasonable time limit, where permitted by law, of two minutes on individual public comments and the same limits shall be placed on the reading of written comments. Each comment shall be read from the beginning, until the time limit is reached. The Board may pass over duplicate written comments; however, each duplicate comment shall be noted for the record with the content summarized. If the Board elects to summarize duplicative comments, the Board must not summarize certain duplicative comments while reading other duplicative comments individually.
7. The electronic communications technology used for a remote public meeting must have a function that allows the Board to mute the audio of all members of the public, as well as allow members of the public to mute themselves.
  - a. Any electronic communications platform or Internet-accessible technology used for a remote public meeting shall also allow the Board to regulate participation by individual members of the public.
  - b. A telephonic audio conference call line must have a queueing or similar function for regulating public comment.
8. Subject to D.5. and D.6. above, the Board shall adopt, by resolution, standard procedures and requirements for public comment made during a remote public meeting, as well as for public comments submitted in writing ahead of the remote public meeting.
  - a. Such procedures and requirements shall include standards of conduct to be followed by members of the public when making comment.
  - b. The procedures and requirements for making public comment, along with an explanation of the audio muting function of the electronic communications platform being used, shall be announced at the beginning of the remote public meeting.
  - c. Regulation of conduct by members of the public on a remote public meeting shall be consistent with law and practices followed if a member of the public disrupts an in-person meeting. The following procedures shall be incorporated:

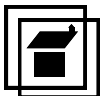


- (1) The Board shall facilitate a dialogue with the commenter to the extent permitted by the electronic communications technology;
  - (2) If a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the member of the Board charged with running the remote public meeting shall mute or continue muting, or direct appropriate staff to mute or continue muting, the disruptive member of the public and warn that continued disruption may result in being prevented from speaking during the remote public meeting or removed from the remote public meeting.
    - (a) Disruptive conduct includes sustained inappropriate behaviors, such as, but not necessarily limited to, shouting, interruption, and use of profanity.
  - (3) A member of the public who continues to act in a disruptive manner after receiving an initial warning may be muted while other members of the public are allowed to proceed with their questions or comments.
    - (a) If time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make their comment. Should the person remain disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting.
9. Electronic communications platforms and Internet-accessible technologies used for remote public meetings shall be hosted on FedRAMP Moderate Impact Level Authorized dedicated servers or in a FedRAMP Moderate Impact Level Authorized Cloud, unless the host of the dedicated servers or cloud provides annual evidence of satisfactory cybersecurity internal controls through a SOC2 audit report.
- a. When using cloud services, the technology vendor shall check provider credentials and contracts to ensure FedRAMP Moderate Impact compliance unless annual evidence of satisfactory internal controls is provided through a SOC2 audit report.





- E. Notice of Remote Public Meetings; Statement in Minutes – N.J.A.C. 5:39-1.5
1. Adequate notice of a remote public meeting must include, in addition to the content required pursuant to N.J.S.A. 10:4-8, clear and concise instructions for accessing the remote public meeting, the means for making public comment, and where relevant documents, if any, will be made available.
  2. In addition to adequate notice, the Board shall also provide electronic notice of a remote public meeting, except as may be permitted pursuant to N.J.S.A. 10:4-9.3 and E.3. below.
    - a. The electronic notice shall contain the content required pursuant to N.J.S.A. 10:4-8 and 10:4-9.1 and E.1. above, and shall be posted on the Internet website or webpage of Board and/or school, or the entity responsible for appointing the members of the Board.
      - (1) If the Board does not have a website, electronic notice shall be provided on an official social media platform of the Board; however, electronic notice is not required if the Board does not have an internet presence.
      - (2) Unless otherwise prohibited by the declared emergency, the content of the electronic notice shall also be posted on the main access door of the building where the public would routinely attend public meetings of the Board in-person. The notice must be viewable from the outside.
  3. If during a declared emergency the Board elects to issue electronic notice of a remote public meeting in lieu of, rather than in addition to, adequate public notice, as permitted pursuant to N.J.S.A. 10:4-9.3, the Board shall limit public business discussed or effectuated at the meeting to matters:
    - a. Necessary for the continuing operation of government and which relate to the emergency declaration connected with the declared emergency; or
    - b. Requiring decision during the remote public meeting due to imminent time constraints.



4. Nothing in N.J.A.C. 5:39-1.5 prohibits the Board from holding a remote public meeting, notwithstanding the failure to provide adequate notice and electronic notice where permitted pursuant to N.J.S.A. 10:4-9.
5. If the Board expects to conduct remote public meetings for a series of regularly scheduled meetings advertised in its annual notice, the annual notice shall be revised at least seven days prior to the next regularly scheduled meeting, indicating which meeting(s) will be held as a remote public meeting and shall contain clear and concise instructions for accessing those remote public meetings, the means for making public comment, and where relevant documents, if any, will be made available.
  - a. In addition to the means of notice transmission required pursuant to N.J.S.A. 10:4-18, the revised annual notice shall be posted on the Internet website or webpage of the Board and/or school, or the entity responsible for appointing the members of the Board.
  - b. If the Board does not have its own website, the revised notice shall be provided on an official social media platform unless the Board does not have an Internet presence.
  - c. Unless otherwise prohibited by the declared emergency, the content of the electronic notice shall also be posted on the door of the main public entrance to the building where the public would routinely attend public meetings held by the Board.
    - (1) Notice must also be posted on the door for any designated and clearly delineated handicap accessible entrance. These notices must be viewable from the outside.
6. If a previously scheduled Board meeting was to allow public attendance without a public health-related restriction as to capacity, but the Board intends to hold the same meeting as a remote public meeting due to a declared emergency and the change is not reflected in a revised annual notice issued pursuant to E.5. above, the Board shall issue adequate and electronic notice for said meeting pursuant to E.1. and E.2. above as if the meeting were not included in the annual notice.



7. At the commencement of every remote public meeting of the Board, the person presiding shall announce publicly, and shall cause to be entered in the minutes of the meeting, an accurate statement to the effect that:
  - a. Both adequate and electronic notice of the meeting has been provided, specifying the time, place, and manner in which such notice was provided;
  - b. Only electronic notice of the meeting has been provided, specifying the time, place, and manner in which such notice was provided, and that discussion and effectuation of public business shall be limited to only those matters:
    - (1) Necessary for the continuing operation of government and that relate to the applicable emergency declaration; or
    - (2) Requiring decision during the remote public meeting due to imminent time constraints; or
  - c. That adequate notice and electronic notice was not provided, in which case such announcement shall state:
    - (1) The reason(s) why the matter(s) discussed are of such urgency and importance, as contemplated pursuant to N.J.S.A. 10:4-9(b)(1), and the nature of the substantial harm to the public interest likely to result from a delay in the holding of the meeting;
    - (2) That the remote public meeting will be limited to discussion of, and acting with respect to, such matters of urgency and importance;
    - (3) The time, place, and manner in which notice of the meeting was provided; and
    - (4) Either that the need for such meeting could not reasonably have been foreseen at a time when adequate notice and/or electronic notice could have been provided, in which event, such announcement shall specify the reason why such need could not reasonably have been foreseen; or that such need could reasonably



have been foreseen at a time when adequate notice and/or electronic notice could have been provided, but such notice was not provided, in which event the announcement shall specify the reason why adequate notice and/or electronic notice was not provided.

8. Where the Board is required by law to provide a meeting agenda, or otherwise provides a meeting agenda by practice at its regularly scheduled meetings, prior to the commencement of the remote public meeting, the Board shall also make a copy of the agenda available to the public for download through an Internet link appearing either on the meeting notice, or near the posting of the meeting notice on the website.
  - a. The notice shall also be posted at the building where the meeting would otherwise be held prior to the commencement of the remote public meeting.
- F. Executive or Closed Session During Remote Public Meetings
  1. A Board entering into an executive or closed session shall ensure that audio or video of the session cannot be accessed, except by those individuals that are participating in the session.
    - a. A separate non-public conference line or e-platform session may be employed for this purpose.
  2. The secretary of the Board should take roll call with each individual affirmatively identifying themselves prior to commencing the closed session.
  3. If a closed session is held through a telephonic conference call a separate call-in line should be made available to ensure confidentiality.
  4. For closed sessions during remote public meetings held through video conferencing, audio recording should be muted and video recording blocked by a graphic labeled "Executive Session".
  5. As with in-person meetings, the Board shall have read into the record the reason(s) for entering into executive session.

N.J.A.C. 5:39-1.1 et seq.

Adopted: 25 August 2021



### 0165 VOTING

All Board of Trustees actions requiring a vote may be conducted by voice, show of hands, or roll call provided that the vote of each member is recorded in the minutes of the meeting. Proxy voting shall not be permitted.

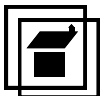
Abstentions shall not be counted as votes but shall be recorded; a member who abstains from voting is deemed to acquiesce in the outcome of the vote.

All motions shall require for adoption the majority vote of Board members present and voting, except as provided by statutes of the State of New Jersey, this bylaw, or parliamentary authority and provided that the number of affirmative votes is at least a majority of the Board's quorum.

1. The affirmative votes of three-quarters of the members present are required for the conduct of a Board meeting when adequate notice has not been provided in accordance with law, N.J.S.A. 10:4-9;
2. A two-thirds vote of the full membership of the Board is required for:
  - a. Bids that have been advertised pursuant to N.J.S.A. 18A:18A-4 on two occasions and;
    - (1) No bids have been received on both occasions in response to the advertisement; or
    - (2) The Board of Trustees has rejected such bids on two occasions because it has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the Board of Trustees prior to the advertising therefore, or have not been independently arrived at in open competition; or
    - (3) On one occasion no bids were received pursuant to #(1) and on one occasion all bids were rejected pursuant to #(2), in whatever sequence; any such contract may then be negotiated.
  - b. Purchase of goods also available under State contract when the Board has received at least three quotations and the lowest responsible quotation is at least ten percent less than the price under the State contract for the identical goods and quantities, N.J.S.A. 18A:18A-5.e;



- c. Determine that it is necessary, in a Type II school having a Board of School Estimate, to sell bonds to raise money for any capital project, N.J.S.A. 18A:22-27; and
  - d. Sell bonds of a Type II school without further advertisement at private sale if no legally acceptable bid is received for the bonds pursuant to N.J.S.A. 18A:24-45.
3. A majority vote of the full membership of the Board is required for:
- a. Admission after October 1 of a student who has never attended school, N.J.S.A. 18A:38-6;
  - b. Adoption or alteration of a course of study, N.J.S.A. 18A:33-1;
  - c. Application for membership in an established county audiovisual aid center, N.J.S.A. 18A:51-11;
  - d. Appointment of a Chief Executive Officer, N.J.S.A. 18A:17-15; School Business Administrator/Board Secretary, N.J.S.A. 18A:17-14.1; Board Secretary, N.J.S.A. 18A:17-5; Assistant Board Secretary, N.J.S.A. 18A:17-13; Administrative Principals, N.J.S.A. 18A:17-20.5; and Shared Chief Executive Officer or School Business Administrator/Board Secretary, N.J.S.A. 18A:17-24.3. Appointment and removal of Assistant Chief Executive Officer(s), N.J.S.A. 18A:17-16 and appointment, salary, and removal of Business Manager in Type I schools, N.J.S.A. 18A:17-25.
  - e. Appointment, transfer, removal and/or renewal of teaching/certificated and/or non-certificated staff members, N.J.S.A. 18A:25-1, 27-1;
  - f. Fix and determine, in a Type II schools having no Board of School Estimate, the amount of money to be raised for budgets and capital construction, N.J.S.A. 18A:22-32, 22-39;
  - g. Approval of employee salary deductions for hospital and insurance plans and government bonds, N.J.S.A. 18A:16-8;
  - h. Authorization, in Type II schools, of school bonds, N.J.S.A. 18A:24-10;



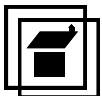
# BYLAWS

## ACHIEVE COMMUNITY CHARTER SCHOOL BOARD OF TRUSTEES

BYLAWS  
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Voting

- i. Decision to establish with other school districts a county audiovisual educational aid center, N.J.S.A. 18A:51-1;
  - j. Determination of sufficiency of charges warranting dismissal or reduction in salary of a tenured employee, N.J.S.A. 18A:6-11;
  - k. Disposition or exchange of lands owned by the Board, N.J.S.A. 18A:20-5, 20-8;
  - l. Purchase of bonds or other obligations as investments, N.J.S.A. 18A:20-37;
  - m. Removal of the Chair or Vice Chair of the Board, N.J.S.A. 18A:15-2;
  - n. Restoration or removal following suspension of an Assistant Chief Executive Officer, Principal, or teacher, N.J.S.A. 18A:25-6;
  - o. Selection of textbooks, N.J.S.A. 18A:34-1;
  - p. Withholding a salary increment, N.J.S.A. 18A:29-14;
  - q. Direct the Secretary of the Board to deduct salaries of employees to participate in any plan for the purchase of bonds of the United States government, N.J.S.A. 18A:16-8;
  - r. Appointment and salary of Executive Superintendent in district in city of the first class with a population over 325,000 have a unit control organizational structure.
4. A roll call vote of the Board is required for the following actions with the necessary vote is indicated:

Issue	Required Vote
a. Salary deductions for government bonds N.J.S.A. 18A:16-8	Majority of full Board



# BYLAWS

## ACHIEVE COMMUNITY CHARTER SCHOOL BOARD OF TRUSTEES

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Issue	Required Vote
b. Appointment of a secretary of Board of Education; terms; compensation; vacancy N.J.S.A. 18A-17-5	Majority of full Board
c. Assistant and acting secretaries; appointment, powers and duties N.J.S.A. 18A:17-13	Majority of full Board
d. Appointment of Chief Executive Officer; terms; apportionment of expense N.J.S.A. 18A:17-15	Majority of full Board
e. Appointment and removal of Assistant Chief Executive Officers N.J.S.A. 18A:1	Majority of full Board
f. Appointment of Administrative Principals N.J.S.A. 18A:17-20.5	Majority of full Board
g. Appointment of shared Chief Executive Officer, School Business Administrator/Board Secretary; terms N.J.S.A. 18A:17-24.3	Majority of the membership of each Board
h. Appointment; salary; removal of Business Managers N.J.S.A. 18A:17-25	Majority of full Board
i. Unit control organizational structure; Executive Chief Executive Officer N.J.S.A. 18A:17A-1	Majority of full Board
j. Disposition of property N.J.S.A. 18A:20-5	Majority of full Board
k. Exchange of lands N.J.S.A. 18A:20-8	Majority of full Board



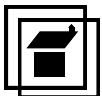


# BYLAWS

## ACHIEVE COMMUNITY CHARTER SCHOOL BOARD OF TRUSTEES

BYLAWS  
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Voting

Issue	Required Vote
l. Type II schools with Board of School Estimate; determination; certification and raising of appropriations; notice of appeal N.J.S.A. 18A:22-26	Majority of full Board
m. Type II schools with Boards of School Estimate; estimate by Board of Education; certification of estimate N.J.S.A. 18A:22-27	Two thirds of full membership of Board
n. Determination of amounts by Board of School Estimate N.J.S.A. 18A:22-31	Board of School Estimate majority of full Board
o. Type II schools without Board of School Estimate; determination and certification of appropriation N.J.S.A. 18A:22-32	Majority of full Board
p. Type II schools without Board of School Estimate; submission of capital projects N.J.S.A. 18A:22-39	Majority of full Board
q. School bonds, when deemed to be authorized Type II. N.J.S.A 18A:24-10	Majority of full Board
r. Private sale if no bids at public sale N.J.S.A. 18A:24-45	Two thirds of full membership of Board
s. Transfer of teaching staff member N.J.S.A. 18A:25-1	Majority of full Board
t. Suspension of Assistant Chief Executive Officers, Principals and teaching staff members N.J.S.A. 18A:25-6	Majority of membership



# BYLAWS

## ACHIEVE COMMUNITY CHARTER SCHOOL BOARD OF TRUSTEES

BYLAWS  
0165/page 6 of 6  
Voting

	Issue	Required Vote
u.	Appointment of teaching staff members; vote required N.J.S.A. 18A:27-1	Majority of full Board
v.	Board of Trustees, procedure for certain personnel actions; recommendation of Chief School Administrator N.J.S.A. 18A:27-4.1	Majority of full Board
w.	Renewal of personnel N.J.S.A. 18A:27-4.1	Majority of full Board
x.	Withholding increments; causes notice of appeals N.J.S.A. 18A:29-14	Majority of full Board
y.	School to furnish suitable facilities; adoption of courses of study N.J.S.A. 18A:33-1	Majority of full Board
z.	Textbooks; selection; furnished free with supplies; appropriations N.J.S.A. 18A:34-1	Majority of full Board
aa.	Single county educational audiovisual aids center in county N.J.S.A. 18A:51-11	Majority of full membership

N.J.S.A. 10:4-14

Adopted: 25 August 2021



### 0166 EXECUTIVE SESSIONS

The Board of Trustees may meet in a private session only to discuss and act on issues exempted by law from the requirement that all Board meetings be public and only after the adoption at a public meeting of a resolution stating the general nature of the subject or subjects to be discussed and, as precisely as possible, the time when and circumstances under which the discussion conducted in private session can be disclosed to the public.

The Board may exclude the public only from that portion of a meeting at which the Board discusses:

1. Any matter that has been rendered confidential by express provision of Federal or State law or rule of court;
2. Any matter in which the release of information would impair a right to receive funds from the Government of the United States;
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 Collective Bargaining Agreement, or the terms and conditions that are proposed for inclusion in any Collective Bargaining Agreement, including the negotiation of the agreement with school employees or representatives of employees;
5. Any matter involving the purchase, lease, or acquisition of real property with public funds or the investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed;
6. Any tactics and techniques utilized in protecting the safety and property of the public when their disclosure could impair such protection and any investigations of violations or possible violations of the law;
7. Any pending or anticipated litigation or contract negotiation other than as stated in #4 in which the Board is or may become a party and any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his/her ethical duties as a lawyer;



# BYLAWS

## ACHIEVE COMMUNITY CHARTER SCHOOL BOARD OF TRUSTEES

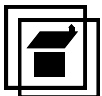
BYLAWS  
0166/page 2 of 2  
Executive Sessions

8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the Board, unless the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting, except that, regardless of the employee's request, the consideration and actions of the Board as to any tenure charge shall be conducted in private session;
9. Any deliberations occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of the responding party's certification as a result of an act or omission for which the responding party bears responsibility.

N.J.S.A. 10:4-12; 10:4-13

N.J.S.A. 18A:6-11

Adopted: 25 August 2021



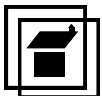
## 0167 PUBLIC PARTICIPATION IN BOARD MEETINGS

The Board of Trustees recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters of community interest.

In order to permit the fair and orderly expression of such comment, the Board shall set aside a portion of every Board meeting, the length of the portion to be determined by the Board, for public comment on any school issue that a member of the public feels may be of concern to the residents of the school.

Public participation shall be governed by the following rules:

1. A participant must be recognized by the presiding officer and must preface comments by an announcement of his/her name, municipality of residence, and group affiliation, if applicable;
2. In the event it appears the public comment portion of the meeting may exceed thirty minutes, the presiding officer may limit each statement made by a participant to two minutes' duration;
3. No participant may speak more than once on the same topic until all others who wish to speak on that topic have been heard;
4. All statements, questions, or inquiries shall be directed to the presiding officer and any questions or inquiries directed by a participant to another Board member shall be redirected to the presiding officer who shall determine if such statement, question, or inquiry shall be addressed by the presiding officer on behalf of the Board or by the individual Board member;
5. The presiding officer may:
  - a. Interrupt, warn, and/or terminate a participant's statement, question, or inquiry when it is too lengthy;
  - b. Interrupt and/or warn a participant when the statement, question, or inquiry is abusive, obscene, or may be defamatory;



# BYLAWS

## ACHIEVE COMMUNITY CHARTER SCHOOL BOARD OF TRUSTEES

BYLAWS

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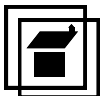
Public Participation in Board Meetings

- c. Request any person to leave the meeting when that person does not observe reasonable decorum;
- d. Request the assistance of law enforcement officers in the removal of a disorderly person when that person prevents or disrupts a meeting with an act that obstructs or interferes with a meeting;
- e. Call for a recess or an adjournment to another time when the lack of public decorum interferes with the orderly conduct of the meeting; and
- f. Waive these rules when necessary for the protection of privacy or to maintain an orderly operation of the Board meeting.

N.J.S.A. 2C:33-8

N.J.S.A. 10:4-12

Adopted: 25 August 2021



## 0168 RECORDING BOARD MEETINGS

The Board of Trustees directs the creation and maintenance of an official record of the formal proceedings of the Board and will permit the unofficial recording of Board meetings in accordance with this Bylaw.

### Minutes

The Board shall keep reasonably comprehensible minutes of all its meetings showing the time and place, the members present, the subject considered, the actions taken, the vote of each member, information sufficient to explain the actions taken, and any other information required to be shown in the minutes by law.

Minutes of public meetings shall be public records signed by the Board Secretary and filed in the Board Secretary's office in a minute book as the permanent record of the acts of this Board.

Minutes of executive meetings shall be filed in the Board Secretary's office in a place separate from the minute book until the time, if any, when the proceedings may be made public. At that time, the minutes shall be public records and shall be filed in the regular minute book.

The Board Secretary shall provide each Board member with a copy of the minutes prior to Board approval.

### Electronic Recording

The School Business Administrator/Board Secretary shall make an audio tape recording and a video tape recording of each Board meeting as an administrative aid in the preparation of minutes. The recording shall be retained forty-five days or until either summary or verbatim transcripts have been approved as minutes, whichever is longer, after which time they may be erased only if permission is granted by the New Jersey Department of State, Division of Archives and Record Management. All such recordings will be erased or destroyed in compliance with laws and rules for the destruction of public records.

The recording may not be able to be destroyed if a subject matter, vote, or Board action on the recording is the subject of litigation. The school will notify the New Jersey Division of Archives and Records Management when requesting permission that a recording be destroyed if the recording includes subject matter in litigation or the school will not request permission to destroy such recording if the subject matter is in litigation.



## Recording by the Public

A member of the public may record the proceedings of a public meeting of the Board provided the audio or video recording process complies with reasonable guidelines as outlined in this Bylaw. These guidelines are adopted to ensure the recording of the public meeting does not interrupt the proceedings, inhibit the conduct of the meeting, or distract Board members or other observers present at the meeting.

The Board will permit the use of audio or video recording devices by members of the public to record public meetings.

Prior notice to audio or video record a public meeting is not required provided the person operates the recording device while sitting in the area designated by the Board for public seating. The recording of a meeting from this area shall not obstruct or distract any member of the public from observing and listening to the proceedings of the meeting. If the recording is obstructing the view or is distracting to members of the public, the presiding officer or designee will require the person recording the meeting to relocate to another area of the meeting room.

In the event a member of the public wants or needs to audio or video record a public meeting from an area other than the area designated for public seating, the person shall provide notice of such request to the Board Secretary in advance of the meeting. The Board Secretary or designee shall review the recording guidelines outlined in this Bylaw with the person requesting to record the meeting.

Any member of the public wanting to use a recording device from an area other than the area designated for public seating must be located and operated from inconspicuous locations in the meeting room as determined by the presiding officer or designee. Prior to the meeting, the presiding officer or designee will determine the location of each recording device so each video recording device can record the meeting with an unobstructed view and each audio recording device can record a meeting so the speakers and meeting proceedings can be properly recorded. The location of any recording device operated from an area other than the area designated for public seating will be in an area of the meeting room that is not distracting or obtrusive to Board members, members of the public, or the orderly operation of the meeting. Any recording device used outside the area designated for public seating shall be located within a similar distance from the Board as the public seating area. The presiding officer or designee shall determine when the number of recording devices used outside the area designated for public seating interferes with the conduct of a Board meeting and may order that an interfering recording device be removed or relocated.





# BYLAWS

## ACHIEVE COMMUNITY CHARTER SCHOOL BOARD OF TRUSTEES

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Recording Board Meetings

Additional lighting shall not be used unless approved by the presiding officer or designee prior to the meeting. All recording devices and any related equipment must be battery operated or operational without the use of school electricity as the school will not permit such equipment to be connected to the school's electrical service.

The presiding officer or designee shall determine if a recording device interferes with the conduct of a Board meeting and may order that an interfering device be relocated.

N.J.S.A. 10:4-14

Adopted: 25 August 2021



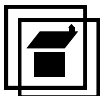
### 0169 BOARD MEMBER USE OF ELECTRONIC MAIL/INTERNET

The Board of Trustees is a public body as defined in the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and the Board and its members are required to comply with the provisions of this Act. It is the right of the public to be present at meetings of public bodies and to witness in full all phases of the deliberations, policy formulation, and decision-making. Board members acknowledge certain discussions between Board members, other than during a Board meeting, may be subject to the provisions of the Open Public Meetings Act.

The Board of Trustees is also subject to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. The Open Public Records Act requires public agencies/School Boards to make certain governmental records subject to public access. Board members may, by written and/or electronic mail (e-mail), communicate with each other and with certain school staff regarding the school's public business. "Public business" means and includes all matters that relate in any way, directly or indirectly, to the performance of the public body's functions or the conduct of its business. Board members acknowledge these written communications may be classified as a governmental record and may be subject to public access pursuant to the Open Public Records Act.

In order to ensure the Board and/or individual Board members comply with the requirements of the Open Public Meetings Act and the Open Public Records Act, the following guidance is provided regarding certain discussions and written communications regarding the public business:

1. Written letters, e-mails, and supporting documents regarding school matters written by Board members to other Board members or written by Board members to school staff, unless the subject matter is specifically exempt under the Open Public Records Law, are governmental records and are subject to public access. Based on the potential for improper/inappropriate disclosure and/or breach of confidentiality that may compromise the Board or Board member, these communications should not involve confidential matters, especially any matter the Board may discuss in executive/private session outside the presence of the public pursuant to the Open Public Meetings Act.
2. Written letters, internet (chat) discussions, e-mails, and supporting documents regarding the school's public business written by Board members to other Board members shall not replace deliberations that would prevent the public from witnessing in full detail all phases of the Board's deliberations, policy formulation, and decision-making process in accordance with the intent of the Open Public Meetings Act.



# BYLAWS

## ACHIEVE COMMUNITY CHARTER SCHOOL BOARD OF TRUSTEES

BYLAWS

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Board Member Use of Electronic Mail/Internet

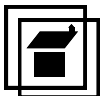
3. Internet (chat) discussions between Board members regarding the school's public business shall not include multiple Board members with the potential that a quorum of the Board may be involved, or become involved, in such discussion.

In the event a Board member(s) fails to comply with the guidance of this Policy, the matter shall be referred to the Board Chair, who will meet and/or discuss the matter and this Policy with the Board member(s). The Board Chair may request the Board Attorney participate in this meeting and/or discussion.

N.J.S.A. 10:4-6 et seq.

N.J.S.A. 47:1A-1 et seq.

Adopted: 25 August 2021



## 0169.02 BOARD MEMBER USE OF SOCIAL NETWORKS

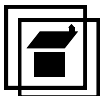
In accordance with the School Ethics Act - N.J.S.A. 18A:12-21 et seq., Board of Trustees members must avoid conduct which is in violation of the public trust or which creates a justifiable impression among the public that such trust is being violated. To avoid conduct that may be in violation or perceived to be in violation of the School Ethics Act, the Board of Trustees adopts this Policy to provide guidance to Board members in their use of social networks.

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 networks” 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 of Trustees member from using a social network. However, a Board member must avoid conduct on a social network that would violate the School Ethics Act – N.J.S.A. 18A:12-21 et seq., which includes the Code of Ethics for Board Members. 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 the School Ethics Act and be cause for sanctions in accordance with the law.

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 and ethics. 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 public 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 Board of Trustees or the school obtained through their Board membership, unless authorized by law;
5. Refrain from having communications through social networks with other Board members regarding any Board of Trustees business to avoid any potential violation of the New Jersey Open Public Meetings Act;
6. Not respond to any postings regarding Board of Trustees or school business or respond to any question or inquiry posted to the Board member or posted on any social network regarding Board of Trustees or school business and shall refer any such questions or inquiries to the Chief Executive Officer to address, as appropriate; or
7. Not post any information on a social network determined by the New Jersey School Ethics Commission to be a violation of the New Jersey School Ethics Act.

A Board member shall comply with all Board policies regarding acceptable use of computers and computer networks whenever a Board member is using a Board of Trustees electronic device.

If the Board or Chief Executive Officer believes a Board member's activity on any social network may violate the Board's policies or the New Jersey School Ethics Act, the Board or Chief Executive Officer may request the Board member cease such activity.



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

N.J.S.A. 18A:12-21 et seq.

N.J.S.A. 10:4-6 et seq.

Adopted: 25 August 2021



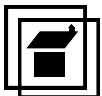
## 0171 DUTIES OF BOARD CHAIR AND VICE CHAIR

The Chair of the Board of Trustees shall:

1. Preside at all meetings of the Board;
2. Require the Board Secretary to call special meetings of the Board, N.J.A.C. 6A:32-3.1;
3. Sign all school warrants, N.J.S.A. 18A:19-1;
4. Certify to all payrolls, N.J.S.A. 18A:19-9;
5. Subscribe bonds, notes, contracts, and other legal instruments for which the signature of the Chair is required, N.J.S.A. 18A:24-32;
6. Issue subpoenas to compel attendance of witnesses and production of documents, N.J.S.A. 18A:6-20; and
7. Appoint all committees of the Board.

The Vice Chair shall assume and discharge the duties of the Chair in the Chair's absence, disability, or disqualification. N.J.S.A. 18A:16-1.1

Adopted: 25 August 2021

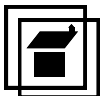


0172 DUTIES OF TREASURER OF SCHOOL MONIES

The Treasurer of School Monies shall:

1. Receive and hold in trust all school monies, except monies from athletic events and student organization activities, and deposit them in the bank or banks designated by the Board, N.J.S.A. 18A:17-34;
2. Pay out school monies only on warrants made payable to the person entitled to receive payment and specifying the object for which it is issued and signed by the Chair, Secretary and Treasurer, N.J.S.A. 18A:19-1;
3. Receive school employee payrolls and a warrant for the full amount of each payroll certified by the Chair and Secretary, deposit the warrants in a separate payroll account, and issue individual checks drawn on such account to each employee, N.J.S.A. 18A:19-9, 19-10;
4. Give public notice when funds are on hand for payment of interest bearing warrants issued for which no funds were available, N.J.S.A. 18A:19-12;
5. Keep a record of monies received and paid out in books provided for that purpose and in accordance with a bookkeeping system prescribed by the State Board, N.J.S.A. 18A:17-35;
6. Pay over the balance of school funds on hand to his/her successor, N.J.S.A. 18A:17-35;
7. Render a monthly report to the Board giving a detailed account of all receipts, the amounts of all warrants issued, the accounts from which they were drawn and the balance in each account, N.J.S.A. 18A:17-36;
8. Render an annual report showing the amounts received and disbursed by him/her during the school year and file a copy with the County Superintendent, N.J.S.A. 18A:17-36; and
9. Receive the proceeds of any bond sale and disburse them only to pay the expenses of issuing and selling the bonds, the purpose for which the bonds were issued, and the temporary investment of the funds, N.J.S.A. 18A:24-47.

Adopted: 25 August 2021





## 0173 DUTIES OF PUBLIC SCHOOL ACCOUNTANT

The Board will engage only a licensed public school accountant to conduct the annual audit in accordance with N.J.S.A. 18A:23-1 et seq. The accountant must have an external peer/quality report performed in accordance with N.J.A.C. 6A:23A-16.2(i)1, unless the accountant or firm can show good cause as to why there was a delay completing such report within the required timelines established by Government Auditing Standards issued by the Comptroller General of the United States. The Board will require the submission of the most recent external peer/quality report for review and evaluation prior to the appointment of the licensed public school accountant. The Board will acknowledge the receipt, review, and evaluation of the external peer/quality report in the public session and Board minutes in which the accountant or firm to perform the audit is engaged.

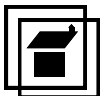
The Board will require the submission of an updated external peer/quality report of the accountant within thirty days after the issuance date of the external peer/quality report if the report is issued prior to the date of the audit opinion for the most recent fiscal year.

In accordance with NJOMB Circular Letter 98-07, the public school accountant will provide a copy of the most recent external peer/quality report to the Department of Education, within thirty days after the initial engagement by the Board and within thirty days after the issuance of a subsequent peer/quality report.

The Board shall engage a public school accountant during the audit engagement period for non-auditing, management, or other consulting services only if such services comply with the independent standards as established in Government Auditing Standards (Yellow Book) by the Comptroller General of the United States.

The Board may be prohibited for good cause by the Commissioner of Education from engaging a particular licensed public school accountant, or may be directed by the Commissioner on a process to be used in the appointment of a licensed public school accountant pursuant to N.J.A.C. 6A:23A-16.2(i)4.

The public school accountant will complete the annual audit as required by the Department of Education and N.J.S.A. 18A:23-2. Each annual audit shall include an audit of the books, accounts and moneys, and verification of all cash and bank balances of the Board and of any officer or employee and of moneys derived from athletic events or other activities of any organization of students conducted under the auspices of the Board, from the date of the last annual audit to the date of the current audit. The audit will also include a determination of the extent to which the school used contracts entered into by the State Division of Purchase and

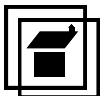


Property pursuant to P.L. 1969 c. 104 (C. 52:25-16.1 et seq.) in the purchase of materials, supplies or equipment for the school. The report of each audit will be completed in accordance with the time requirements of N.J.S.A. 18A:23-1 and will be filed by the public school accountant in accordance with N.J.S.A. 18A:23-2.3.

Within thirty days following receipt of the report the Board, at a regularly scheduled public meeting, will cause the recommendations of the accountant to be read and discussed and the discussion will be duly noted in the Board meeting minutes in accordance with N.J.S.A. 18A:23-5. The Board Secretary will prepare or have prepared a summary of the annual audit for this Board meeting in accordance with N.J.S.A. 18A:23-4.

N.J.S.A. 18A:23-1 et seq.  
N.J.A.C. 6A:23A-16.2

Adopted: 25 August 2021



### 0174C LEGAL SERVICES – CHARTER SCHOOL

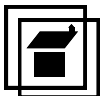
In accordance with N.J.A.C. 6A:23A-22.6, the Board of Trustees adopts this Policy and its strategies to ensure the prudent use of legal services by employees and the Board of Trustees' members and the tracking of the use of legal services.

The Board of Trustees authorizes the Chief Executive Officer, Chief Executive Officer's designee, School Business Administrator/Board Secretary, and Board Chair as designated contact persons to request services or advice from contracted legal counsel.

In accordance with the provisions of N.J.A.C. 6A:23A-22.6(a)2, the Board designates the administrative staff member to review all legal bills and designates contact persons to ensure the prudent use of legal services. The School Business Administrator/Board Secretary shall be responsible to review all legal bills and confer with designated contact persons in reviewing such legal bills.

Charter schools with legal costs that exceed one hundred thirty percent of the Statewide average per student amount should establish the procedures outlined in 1., 2., 3., and 4. below and, if not established, provide evidence such procedures would not result in a reduction of costs.

1. The designated contact persons shall ensure that contracted legal counsel is not contacted unnecessarily for management decisions or readily available information contained in charter school materials such as Board policies, administrative regulations or guidance available through professional source materials.
2. All requests for legal advice shall be made to the designated contact persons in writing and shall be maintained on file in the charter school offices. The designated contact persons shall determine whether the request warrants legal advice or if legal advice is necessary.
3. The designated contact persons shall maintain a log of all legal counsel contact including the name of the legal counsel contacted, date of the contact, issue discussed, and length of contact.
4. All written requests for legal advice and logs of legal counsel contacts shall be forwarded to the School Business Administrator/Board Secretary, who shall be responsible to review all legal bills and compare all legal bills to the contact logs and to investigate and resolve any variances.



# BYLAWS

## ACHIEVE COMMUNITY CHARTER SCHOOL BOARD OF TRUSTEES

BYLAWS  
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Legal Services – Charter School

Any professional services contract(s) for legal services shall prohibit advance payments. Services to be provided shall be described in detail in the contract and invoices for payment shall itemize the services provided for the billing period. Payments to legal counsel(s) shall only be for services actually provided.

Contracts for legal services shall be limited to non-recurring or specialized work for which the charter school does not possess adequate in-house resources or in-house expertise to conduct.

Charter schools are prohibited from contracting with legal counsel or using in-house legal counsel to pursue any affirmative claim or cause of action on behalf of charter school administrators and/or any individual Board members for any claim or cause of action in which the damages to be awarded would benefit an individual rather than the charter school as a whole.

Contracts for legal services will be issued by the Board in a deliberative and efficient manner that ensures the charter 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 processes.

The Board of Trustees will annually establish prior to budget preparation, a maximum dollar limit for each type of professional service, including legal services. In the event it becomes necessary to exceed the established maximum dollar limit for the professional service, the Chief Executive Officer shall recommend to the Board of Trustees an increase in the maximum dollar amount. Any increase in the maximum dollar amount shall require formal Board action.

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

Adopted: 25 August 2021



## 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 No. 8310 on public records.

Adopted: 25 August 2021



### 0176 COLLECTIVE BARGAINING AND CONTRACT APPROVAL/RATIFICATION

The Board recognizes a Board member and/or a member of his/her immediate family may be a member of, or salary is determined by, a labor bargaining unit, professional association and/or union that has an affiliation with a bargaining unit, professional organization and/or union within the school. The Board member does not automatically violate N.J.S.A. 18A:24 by voting to approve and/or ratify this contract solely on the basis of his/her status or that of an immediate family member with respect to membership or representation by a different local affiliate of the same Statewide association with whom the agreement is made provided the Board member's involvement with such local affiliate has not or appears to have not compromised the member's objectivity or independence of judgment.

In accordance with N.J.S.A. 18A:12-24, the Board member shall not participate in the collective bargaining process and/or serve on the negotiations committee representing the Board with this unit, association, and/or union. The Board member may be apprised of the terms of a tentative memorandum of agreement with this unit, association, and/or union in closed and/or open session only after a tentative memorandum of agreement has been reached. The Board member may vote during the public meeting to approve and/or ratify a contract with this bargaining unit, professional association and/or union.

The Board member shall not participate in any aspect of negotiations and/or vote to approve/ratify a tentative memorandum of agreement/contract ratification if the Board member has an immediate family who is a member of the bargaining unit, professional association and/or union within the school. Under this circumstance, the Board member may only vote in the event the school Board attorney advises the Board the Doctrine of Necessity must be invoked in accordance with Policy No. 0163.

In addition, the School Ethics Commission Decision A16-00 states a Board member may not participate in any aspect of negotiations and/or vote to approve/ratify a tentative memorandum of agreement/contract ratification if the Board member has a "relative" who is a member of the bargaining unit, professional association and/or union within the school. Under this circumstance, the Board member may only vote in the event the school Board attorney advises the Board the Doctrine of Necessity must be invoked in accordance with Policy No. 0163.

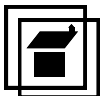
N.J.S.A. 18A:12-21 et seq.

New Jersey School Ethics Commission Advisory Opinion A02-00 and A16-00

Commissioner of Education Decision - In the Matter of Bruce White, Ewing Township Board of Education, Mercer County - June 1, 2000

New Jersey State Board of Education Decision - In the Matter of Frank Pannucci, Board of Education of Brick Township, Ocean County - March 3, 2000

Adopted: 25 August 2021



### 0177C PROFESSIONAL SERVICES – CHARTER SCHOOL

In accordance with N.J.A.C. 6A:23A-22.6, the Board of Trustees adopts this Policy and its strategies to minimize the cost of professional services.

The Board of Trustees will establish annually prior to budget preparation a maximum dollar limit for each type of professional service. In the event it becomes necessary to exceed the established maximum dollar limit for the professional services, the Chief Executive Officer shall recommend to the Board of Trustees an increase in the maximum dollar amount. Any increase in the maximum dollar amount shall require formal Board action.

Contracts for professional services will be issued by the Board in a deliberative and efficient manner that ensures the charter 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 charter school does not possess adequate in-house resources or in-house expertise to conduct.

Nothing in this Policy or N.J.A.C. 6A:23A-22.6 shall preclude the Board from complying with the requirements of any statute, administrative code, or regulation for the award of professional services contracts.

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

Adopted: 25 August 2021

