



Atlantic City Board of Education

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Angela Brown
Board Secretary

August 16, 2023

At the regular meeting of the Atlantic City Board of Education held on August 15, 2023, the following motion carried.

NEW BUSINESS #1

On a motion made by Mrs. Bailey and seconded by Ms. Bridgers, the Atlantic City Board of Education voted to approve and invoke the following Doctrine of Necessity as amended: At the call of the roll the vote was as follows: Mrs. Bailey-yes; Ms. Bridgers-yes; Mrs. Byard-yes; Mr. Chowdhury-yes; Mr. Johnson-yes; Mr. Mayfield-yes; Mr. McKinley-yes; Mr. Siddik-yes; Mr. Steele-yes. Of nine members present, nine voted in the affirmative. The motion carried.

WHEREAS, the School Ethics Commission (“SEC”) has provided guidance in Public Advisory Opinion A03-98, regarding how a Board should invoke the Doctrine of Necessity when a quorum of a board of education has conflicts of interest on a matter required to be voted upon; and

WHEREAS, the opinion set forth that, when necessary for a Board to invoke the Doctrine of Necessity, the Board should state publicly that it is doing so, the reason that such action is necessary and the specific nature of the conflicts of interest; and

WHEREAS, the SEC by resolution dated February 25, 2003, clarified and required a Board of Education invoking the Doctrine of Necessity to adopt a resolution setting forth that they are invoking the doctrine, the reason for doing so, and the specific nature of the conflicts of interest; and

WHEREAS, the SEC further directed Boards of Education that invoke the Doctrine of Necessity to read the resolution at the regularly scheduled public meeting, post it where it posts public notices for thirty days, and provide the Commission with a copy; and

WHEREAS, the State Department of Education promulgated *N.J.A.C. 6A:23A-6.2*, which places additional standards and restrictions upon the ability of a board member to vote on a particular issue; and

WHEREAS, the five board members’ conflicts are as follows:

- (1) Board Member Mrs. Ruth Byard’s daughter is a Board approved teacher substitute and her granddaughter is a social worker; and
- (2) Board Member Ms. Patricia Bailey’s son is a Board approved truancy officer; and

- (3) Board Member Mr. Walter Johnson's spouse is employed by the Board as a teacher; and
- (4) Board Member Mr. Shay Steele's spouse is employed by the Board as teacher; and.
- (5) Board Member Mr. Kashawn McKinley's spouse is employed by the Board as a secretary.

WHEREAS, the inability of the aforementioned Board members to participate in approving the Collective Negotiations Agreement between the Atlantic City Board of Education and the Atlantic City Education Association; and

WHEREAS, as required by law, the Board desires to invoke the Doctrine of Necessity in accordance with Procedures established by the Commission; and


NOW, THEREFORE, BE IT RESOLVED by the Atlantic City Board of Education, County of Atlantic, State of New Jersey, that the aforementioned Board Members are prohibited from approving the Collective Negotiations Agreement between the Atlantic City Board of Education and the Atlantic City Education Association

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board invokes the Doctrine of Necessity in order to allow the full body of the Board to approve the Collective Negotiations Agreement between the Atlantic City Board of Education and the Atlantic City Education Association in accordance with State law; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that this Resolution shall be read at a regularly scheduled meeting of the Board and be publicly posted by the Board; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the School Ethics Commission.

Respectfully submitted,


Angela Brown
Board Secretary