

Atlantic City Board of Education Special Meeting

May 9, 2024 – 6:00pm

Call To Order Mr. Steele, President

Roll Call Mrs. Bailey, Ms. Bridgers, Mrs. Byard, Mr. Johnson, Mr. Mayfield, Mr. McKinley, Mr. Siddik, Mr. Steele.

Dr. Small, Dr. Hyman, Ms. Morris, Mrs. Ricketts, Ms. Saunders, Mrs. Riley, Mrs. Brown

Statement of Notice

A notice of the special meeting was published in the Press of Atlantic City, mailed to the City Clerk and posted on the bulletin board of the Citi Center Building at 1300 Atlantic Avenue, Atlantic City, New Jersey 08401 on May 7, 2024.

Flag Salute Mrs. Brown led those assembled in the flag salute

Vision & Mission Statement – Noted for the record

Vision: Atlantic City Public Schools and members of the community believe in the development of the whole child. Together we are committed to providing a nurturing, safe and stimulating environment for all students to continuously learn and grow.

Mission: All students will be actively engaged and supported as they learn and grow on the journey to become independent, life-long learners equipped for the 21st Century.

Closed Session

On a motion made by Mrs. Bailey and seconded by Mr. Mayfield, the Atlantic City Board of Education voted to go into executive session for approximately 45 minutes to discuss personnel matters.

BOARD OF EDUCATION OF THE CITY OF ATLANTIC CITY RESOLUTION AUTHORIZING AN EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and
WHEREAS, the Board of Education of the City of Atlantic City has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Board of Education will reconvene at the conclusion of closed session at approximately p.m. this evening.

NOW, THEREFORE, BE IT RESOLVED that the Board of Education of the City of Atlantic City will go into closed session, for the following reason(s) as outlined in N.J.S.A. 10:4-12:

Any matter which, by express provision of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public (Provision relied upon:);

Any matter in which the release of information would impair a right to receive funds from the federal government;

Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy;

Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body;

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Any matter involving the purpose, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection;

Any investigations of violations or possible violations of the law; Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer:- **Personnel Matters**

If contract negotiation the nature of the contract and interested party is) (Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the District's position in the litigation or negotiation, this information may be

withheld until such time that the matter is concluded or the circumstances no longer present a potential impact);

Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting (Subject to the balancing of the public's interest and the employee's privacy rights under *South Jersey Publishing*, 124 N.J. 478, the employee(s) nature of discussions are employment requirements/modifications.

Any deliberation of a public body 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 a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility;

BE IT FURTHER RESOLVED that the Board of Education hereby declares that its discussion of the aforementioned subject(s) may be made public at a time when the Board Attorney advises the Board of

Education that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the School District or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Board of Education, for the aforementioned reasons, hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place and hereby directs the Board Secretary to take the appropriate action to effectuate the terms of this resolution. I, Angela Brown, Board Secretary do hereby certify the above to be a true and correct copy of a resolution adopted by the Board of Education of the City of Atlantic City at their meeting held on May 9, 2024.

RETURN TO OPEN SESSION

On a motion made by Mr. Mayfield and seconded by Mrs. Bailey, the Atlantic City Board of Education voted to return to open session at 6:46pm.

AFTER EXECUTIVE SESSION

Mrs. Brown read aloud the below Doctrine of Necessity into the record:

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

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

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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 Board approved as a teacher, her granddaughter is employed as a social worker and; her daughter is a substitute safety officer; and
- (2) Board Member Ms. Patricia Bailey's son is employed by the Board as a custodian; 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;
- (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 **vote** in personnel matters involving the Superintendent; 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 **voting** in personnel matters involving the Superintendent; and

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 vote in personnel matters involving the Superintendent 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.

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Adjourn

On a motion made by Mr. Mayfield and seconded by Mr. Johnson,
the meeting adjourned at 6:56pm.

Respectfully submitted,

Angela Brown
Board Secretary