

**ROCKAWAY BOROUGH BOARD OF EDUCATION
ROCKAWAY, NEW JERSEY
THOMAS JEFFERSON SCHOOL LIBRARY
WORK SESSION MEETING
February 09, 2012**

I. Call to Order and Flag Salute

The meeting was called to order at 7:31p.m. by Board President, Tim Rogers.

II. Notice of Announcement

In accordance with the Open Public Meetings Act, the Rockaway Borough Board of Education has provided adequate written notice of the time, date and place of this meeting to the Daily Record and The Citizen.

III. Roll Call

Board Members Present: Eileen Haynes, Laura Lugo, Christa Smith, Vice-President Debbie McNally and Board President, Tim Rogers

Board Members Absent: N/A

Administration Present: Superintendent of Schools, Dr. Patrick Tierney, Lincoln School Principal, Phyllis Alpaugh and School Business Administrator/Board Secretary, Joseph P. Hurley Jr.

IV. Discussion

1. Enrollment – Dr. Tierney informed the Board that as of February 9, 2012 there were 663 students in district.
3. Legislative Updates – Dr. Tierney several bills including A2274 which states the Executive County Superintendent can mandate districts sharing services.
4. Moving the Election to November – The Board discussed moving the annual school election from April to November. The Board decided to keep the election in April.
5. Race to Top – Dr. Tierney discussed the grant with the Board.
6. Department of Environmental Protection – Dr. Tierney informed the Board that he received a letter from the DEP about an oil tank removal at the Park Lake School performed in 1995. The letter requests that we provide proof of the removal. Dr. Tierney and Mr. Hurley are looking into the issue.
7. 2012-2013 Budget – Mr. Hurley and Dr. Tierney discussed the budget with Board. Dr. Tierney said they are currently \$140,000 over CAP. The Board then discussed possible reductions.

V. Comments from the Public

Jeri Hurley asked about the curriculum pilot program. Dr. Tierney responded.

VI. Certification of Major Account and Line Item Status

Motion to approve the Major Account and Line Item Status.

The motion was approved in a unanimous roll call vote. (Haynes/Smith)

VII. Approval of the Board Secretary and Treasurer's Reports

Be it resolved by the Rockaway Borough Board of Education to approve the Board Secretary and Treasurer's Reports for December 2011.

The motion was approved in a unanimous roll call vote. (Haynes/Smith)

VIII. COMMITTEE REPORTS

A. FINANCE

Be it resolved by the Rockaway Borough Board of Education to approve Finance Items # 1-3.

The motion was approved in a unanimous roll call vote. (McNally/Haynes)

1. Be it resolved by the Rockaway Borough Board of Education to approve for student #71 to continue to attend out of district facility, Parsippany Immediate Care Children's Psychiatric Center, retroactive to 1/4/2012. Daily rate of \$300 for 3 partial day services per week through 2/2/2012. Student is transitioning to returning back to school full time as of 2/3/2012.
2. Be it resolved by the Rockaway Borough Board of Education to approve for student #108 to receive 1 hour Home ABA per week and 1 hour per month consult through provider Jeanette Murphy at an hourly rate of \$50.00 effective 1/23/2012 through 6/18/2012 as per student's IEP.
3. Be it resolved by the Rockaway Borough Board of Education to approve Debra Shatynski for home instruction for student #209 for 10 hours per week at an hourly rate of \$35.98 effective February 6, 2012.

B. POLICY

Be it resolved by the Rockaway Borough Board of Education to approve Policy Item # 1.

The motion was approved in a unanimous roll call vote. (Haynes/Lugo)
No action was taken on item #2.

1. **Whereas**, the Rockaway Borough Board of Education is concerned that adherence to the Harassment, Intimidation, and Bullying (HIB) Law creates a significant drain on the human and financial resources of the District; and

Whereas, the Rockaway Borough Board of Education believes that this law is an unfunded mandate; and

Whereas the Allamuchy Board of Education seeks to have this law set aside because it is an unfunded mandate; therefore

The Rockaway Borough Board of Education enthusiastically supports the Allamuchy Board of Education in its application for summary judgment as follows:

- A. Declaring that section 14 of P.L. 2010ch. 122 amending section 5 of P.L. 2002 Ch. 8 (N.J.S.A. 18A:37-17) which statute required schools and school districts annually to establish, implement, document, and assess bullying prevention programs or approaches and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members so as to create school-wide conditions to prevent and address harassment, intimidation and bullying is an unfunded mandate in violation of N.J. Const. Art. VIII, Section 2, Paragraph 5 and N.J.S.A. 52:13H-2 and shall cease to be mandatory in effect and shall expire.
- B. Declaring that Section 17 of P.L. 2010 Ch. 122 which is codified at N.J.S.A. 18A:27-20 which statute requires local school districts to create and staff new work titles of anti-bullying specialist and anti-bullying coordinator and to train those individuals is an unfunded mandate in violation of N.J. Const. Art. VIII, Section 2, Paragraph 5 and N.J.S.A. 52:13H-2 and shall cease to be mandatory in effect and shall expire.
- C. Declaring that section 18 of P.L. 2010 Ch. 122 which is codified at N.J.S.A. 18A:37-21 which statute requires each school district to establish a school safety team in each school is an unfunded mandate in violation of N.J. Const. Art VIII, Section 2, Paragraph 5 and N.J.S.A. 52:13H-2 and shall expire to the extent that any compulsory appointment to the team requires payment of compensation for such service.
- D. Declaring that section 12 of P.L. 2010 Ch. 122 amending Section 3 of P.L. 2002, c.83 (C18A:37-15) which statute provides in subsection 3(b)(7) that a district's policies must make a provision for "the range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified , which shall be defined by the principal in conjunction with the school anti-bullying specialist, but shall include an appropriate combination of counseling, support services, intervention services, and other programs, as defined by the commissioner" thereby requiring the district to provide services, all of which are not funded by the State and therefore will require local funds is an unfunded mandate in violation of N.J. Const. Art VIII, Section 2, Paragraph 5 and N.J.S.A. 52:13H-2 and shall cease to be mandatory in effect and shall expire.

AND, BE IT FURTHER RESLOVED that, upon passage of this resolution, the Board Secretary is order to forward it to Governor Chris Christie, Lieutenant Governor Kim Guadagno, Senator Anthony Bucco, Assemblyman Anthony Bucco, Assemblyman Michael Patrick Carroll, Acting Commissioner of Education Chris Cerf, the Morris County Association of School Business Administrators, the New Jersey Association of School Business Administrators, the Morris County School Board Association, the New Jersey School Boards Association, the Garden State Coalition of Schools, the Unfunded Mandate Commission; the Board President of the Allamuchy Board of Education, and the Superintendent of Schools of the Allamuchy Board of Education.

2. **WHEREAS**, P.L. 2011, c. 202 authorizes changing the election date of school board members from the third Tuesday in April to the first Tuesday after the first Monday in November (the General Election); and

WHEREAS, such action requires the adoption of a resolution by a school district or the municipality or municipalities constituting such district, as set forth in P.L. 2011, c. 202 and

WHEREAS, P.L. 2011, c. 202 requires that the change to a November election remain in effect for four years; and

WHEREAS, P.L. 2011, c. 202 eliminates the annual voter referendum on the proposed general fund tax levy (i.e., the base budget which is at or below the statutory tax levy cap) in school districts where board of education members are elected at the General Election; and

WHEREAS, P.L. 2011, c. 202 requires that an additional general fund tax levy proposal (i.e., for an expenditure in excess of the tax levy cap) be presented to voters as a separate question at the General Election; and

Now, therefore, be it resolved,

That, pursuant to P.L. 2011, c. 202, the Rockaway Borough Board of Education changes the annual election date for school board members from the third Tuesday in April to the November General Election, beginning in 2012; and be it further

RESOLVED, that pursuant to P.L. 2011, c. 202, the annual organization meeting of the following the November General Election and that the board of education's next organization meeting will take place in the first week of January 2013; and be it further

RESOLVED, that, pursuant to P.L. 2011, c. 202, members of the Rockaway Borough Board of Education whose terms would have expired by May 2012 will continue to serve in office until January 2013 organization meeting; and be it further

RESOLVED, that this resolution be transmitted to the Morris County Clerk; the Morris County Board of Elections and/or Superintendent of Elections; the Morris Municipal Clerks and school board secretaries; the Executive County Superintendent; and the Department of Community Affairs, Divisions of Local Government Services; and be it further

RESOLVED, that a copy of this resolution also be provided to the New Jersey School Boards Association and New Jersey State League of Municipalities.

C. PERSONNEL

Be it resolved by the Rockaway Borough Board of Education to approve Personnel Items # 1-2.

The motion was approved in a unanimous roll call vote. (Smith/Lugo)

1. Be it resolved by the Rockaway Borough Board of Education to approve, with regret, the resignation of James Sutton, effective February 29, 2012.
2. Be it resolved by the Rockaway Borough Board of Education to approve Mary Ledyard and Carla Opalewski as substitute teachers for the remainder of the 2011-2012 School Year at a rate of \$80.00 per day.

D. ADDENDUM

Be it resolved by the Rockaway Borough Board of Education to approve Addendum Items # 1-3.

The motion was approved in a unanimous roll call vote. (Lugo/Smith)

1. Be it resolved by the Rockaway Borough Board of Education to appoint Anthony Sciarrillo of the firm, Lindabury, McCormick, Estabrook & Cooper, P.C. as a special legal counsel effective Friday, February 10 until June 30, 2012. The rate will be \$160 per hour.
2. Be it resolved by the Rockaway Borough Board of Education to approve a contract with Hobbie Heat & Power, in Chester, NJ for emergency boiler repairs at the Lincoln School, pursuant to NJ 18A:18A-7. Costs to date are \$12,101.41. Total costs should not exceed \$25,000.
3. Be it resolved by the Rockaway Borough Board of Education to the School Board Election in April. The Board believes it is the fundamental right of all people to vote.

IX. Old Business

None.

X. New Business

Dr. Tierney informed the Board that a parent had volunteered to replace the lights in the gymnasium.

Ms. McNally informed the Board she received a letter from the Criminal History Review Unit stating that she must pay an \$11.00 administration fee. Mr. Hurley will look into it.

Dr. Tierney discussed the current situation the Rockaway Borough Recreation Department and their disrespect for the staff and rules. After an incident occurred in January, Dr. Tierney and Mr. Hurley suspended them from using the building for a week.

Dr. Tierney reported that he and Mr. Hurley met with representatives from Recreation and they discussed the rules. Dr. Tierney informed the Board that he told Recreation that they must have a sponsor present at all games to make sure supervisor the event. The sponsor will come to the building and introduce themselves to the night custodian. From then on, the custodian should not be involved until the events are over for the evening.

Ms. McNally suggested only allowing players and coached to be present.

Mr. Rogers suggested posting rules in the buildings, distributing copies to the coaches and having them sign them and return them to us.

XI. Comments from the Public

None.

XII. Executive Session

"The next topic on the agenda relates to personnel and student matters, which constitutes an exception to the Open Public Meetings Act."

Therefore, the Board is permitted to have a private discussion and I will entertain a motion in that regard:

I move that the Board enter into executive session for the purpose of discussing negotiations, the nature of which will be made public when the need for confidentiality no longer exists. At the conclusion of this discussion, the Board may reconvene in public session and action may be taken.

The motion was approved at 9:00 pm in a unanimous roll call vote. (Haynes/McNally)

XIII. Motion to Return to Open Session

A motion was approved to return to open session at 9:23 p.m. (Smith/Haynes)

XIV. Adjournment

There being no further business before the Board, a motion was approved at 9:24 p.m. to adjourn for the evening. (Smith/Haynes)

Respectfully submitted,

Joseph P. Hurley Jr.
Business Administrator/Board Secretary