

**BOGOTA BOARD OF EDUCATION
BOGOTA, NEW JERSEY
WORK SESSION/ACTION MEETING
September 11, 2018
Bogota Jr./Sr. High School Cafeteria**

CALL TO ORDER by Ms. Montgomery, Board Vice President at 7:00 p.m.

FLAG SALUTE

Ms. Montgomery invited public for brief silence for those who lost their lives during 9/11 attack and our former retired bus driver Louis Costa passed away last weekend.

OPEN PUBLIC MEETING ANNOUNCEMENT

The New Jersey Open Public Meetings Law was enacted to ensure the right of the public to have advance notice of and to attend the meetings of public bodies at which any business affecting their interests is discussed or acted upon. In accordance with the provisions of this act, the Bogota Board of Education has caused notice of this meeting to be published by having the date, time and place thereof posted in the Bogota Borough Hall, communicated by letter to The Record, filed with the Clerk of the Borough of Bogota and posted on the Bogota Board of Education website.

ROLL CALL by Mr. Evcil, Board Secretary

Members Present: Mrs. DeVore, Mrs. Lewis, Mr. McHale, Mrs. Miller, Mr. Moore, Mr. Severino, Mrs. VanBuren and Ms. Montgomery.

Members Absent: Mrs. Kohles.

Also Present: Mr. Kennedy, Superintendent, Nathanya Simon, Board Attorney, Mr. Evcil, SBA/BS and Elizabeth Ruiz Assistant BS.

Absent: None.

HEARING OF CITIZENS ON AGENDA ITEMS ONLY

Mr. Moore moved, seconded by Mrs. Lewis, to open to public comments. Motion unanimously approved by a voice call vote.

None at this time.

Mr. McHale moved, seconded by Mrs. Miller, to close to public comments. Motion unanimously approved by a voice call vote.

Superintendent's Report

Mr. Kennedy informed and commented on the followings:

- One name will be pulled out of the agenda item 9-25-18-20.
- Mr. Kennedy thanked the custodians for their hard work and getting the school buildings ready while two major projects were on.
- Transformer for Bogota High School Parking Lot Renovation has been delivered, next major phase is switching electricity.
- Contractor has been finishing up the punch list for lintel replacement project at Bixby Elementary School.
- Bogota submitted the Preschool Education Expansion Aid (PEEA) application yesterday that would offer free full day preschool 3 and 4 years old general education students with aid from the state.
- Town Hall Meeting will be held on Monday, September 17, 2018 at 7 pm at High School for getting public input on armed security guards in our schools.

ACTION ITEMS

PERSONNEL

Approval of Teacher Aide

9-11-18-01 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the appointment of **Alexa Gonzalez** as a teacher aide at a rate of \$15 per hour for the 2018/2019 school year.

Approval of Library Drop In Center Positions

9-11-18-02 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the appointment of Library Drop in Center Positions for the 2018/2019 school year, in accordance with the settled contracted rate as follows:

Ryan Yaiser
Victoria Antropow
Karolyn Misa
Kristen King
Kenneth Varon

Appointment of Music Teacher Maternity Leave

9-11-18-03 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the appointment of **Maxine Alstrom** as a maternity leave Music Teacher effective immediately end date pending at a salary of BA Step 1 \$49,888 (prorated) for the 2018/2019 school year.

Mrs. VanBuren asked about agenda item 9-11-18-02, Mr. Kennedy said this is approved homework club for students before and after school but need to check for job description.

Mr. Moore moved, seconded by Mr. McHale a motion for the approval of agenda item **9-11-18-01 through 9-11-18-03**. On a roll call vote Mrs. DeVore, Mrs. Lewis, Mr. McHale, Mrs. Miller, Mr. Moore, Mr. Severino, Mrs. VanBuren and Ms. Montgomery voted yes. Motion Carried.

FINANCE

Approval of Transportation Contract

9-11-18-04 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approve to award transportation contract with Legacy Tours Inc. in the amount of \$8,000 as the lowest quote for the following trips for High School Band.

Date	Destination	Amount
9/14/18	Weehawken High School	\$1,300
9/28/18	Park Ridge High School	\$1,400
10/5/18	Wallington High School	\$1,300
10/19/17	TBD	\$1,400
10/28/18	Foley Field in Bloomfield NJ	\$1,300
11/4/18	Montclair State University	\$1,300

Approval of PEEA grant application submission

9-11-18-05 BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the board approves the submission of application for the Preschool Education Expansion Aid (PEEA) grant. This grant's purpose is to fund the expansion of preschool for general education students to Bogota residents. If approved, the board will support its budget and one year operational plan, as detailed in the exhibit attached and made part of minutes.

Board members asked about PEEA application. Mr. Kennedy explained that NJDOE will inform the result by October 1, 2018, if the application is approved full amount will be received. The application has timelines like recruiting, hiring and training the new hires till January 2, 2019 and opening the classrooms by January 2, 2019. After the first year, the program will become part of the state aid.

Mr. Moore moved, seconded by Mr. McHale a motion for the approval of agenda item **9-11-18-04 through 9-11-18-05**. On a roll call vote Mrs. DeVore, Mrs. Lewis, Mr. McHale, Mrs. Miller, Mr. Moore, Mr. Severino, Mrs. VanBuren and Ms. Montgomery voted yes. Motion Carried.

WORK SESSION

MINUTES

Approval of the following minutes as submitted by the School Business Administrator/ Board Secretary:

June 19, 2018 Regular Meeting Open
June 19, 2018 Regular Meeting Closed
August 28, 2018 Regular Meeting Open
August 28, 2018 Regular Meeting Closed

Mrs. VanBuren moved, seconded by Mr. Severino a motion to continue to table the minutes for the **June 19, 2018 Regular Meeting Open and June 19, 2018 Regular Meeting Closed** until the September 25, 2018 regular meeting, all in favor. Motion Carried.

POLICY

The agenda items **09-25-18-01 through 09-25-18-10** for the regular meeting of the Board for September 25, 2018 was reviewed and a consent agenda was established.

Second Reading and Adoption of Policy & Regulation 1613 Disclosure and Review of Applicant's Employment History (M) (New)

9-25-18-01 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the second reading and adoption of Policy & Regulation 1613 Disclosure and Review of Applicant's Employment History (M) (New).

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Second Reading and Adoption of Policy & Regulation 5561 Use of Physical Restraint and Seclusion Techniques for Students with Disabilities (M) (Revised)

9-25-18-02 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the second reading and adoption of Policy & Regulation 5561 Use of Physical Restraint and Seclusion Techniques for Students with Disabilities (M) (Revised).

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Second Reading and Adoption of Policy & Regulation 1550 Equal Employment/Anti-Discrimination Practices (M) (Revised)

9-25-18-03 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the second reading and adoption of Policy & Regulation 1550 Equal Employment/Anti-Discrimination Practices (M) (Revised).

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Second Reading and Adoption of Policy 2431 Athletic Competition (M) (Revised)

9-25-18-04 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the second reading and adoption of Policy 2431 Athletic Competition (M) (Revised).

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Second Reading and Adoption of Regulation 2431.2 Medical Examination Prior to Participation on a School-Sponsored Interscholastic or Intramural Team or Squad (M) (Revised)

9-25-18-05 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the second reading and adoption of Regulation 2431.2 Medical Examination Prior to Participation on a School-Sponsored Interscholastic or Intramural Team or Squad (M) (Revised).

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Second Reading and Adoption of Policy 2431.8 Varsity Letters for Interscholastic Extracurricular Activities (M) (New)

9-25-18-06 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the second reading and adoption of Policy 2431.8 Varsity Letters for Interscholastic Extracurricular Activities (M) (New).

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Second Reading and Adoption of Policy & Regulation 5350 Student Suicide Prevention (M) (Revised)

9-25-18-07 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the second reading and adoption of Policy & Regulation 5350 Student Suicide Prevention (M) (Revised).

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Second Reading and Adoption of Policy 5533 Student Smoking (M) (Revised)

9-25-18-08 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the second reading and adoption of Policy 5533 Student Smoking (M) (Revised).

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Second Reading and Adoption of Policy 5535 Passive Breath Alcohol Sensor Device (Revised)

9-25-18-09 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the second reading and adoption of Policy 5535 Passive Breath Alcohol Sensor Device (Revised).

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Second Reading and Adoption of Policy 8462 Reporting Potentially Missing or Abused Children (M) (Revised)

9-25-18-10 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the second reading and adoption of Policy 8462 Reporting Potentially Missing or Abused Children (M) (Revised).

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

EDUCATION

The agenda items **09-25-18-11 through 09-25-18-16** for the regular meeting of the board for September 25, 2018 was reviewed and a consent agenda was established.

Approval of Field Trips

9-25-18-11 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the following field trips.

Date	Staff	Students	Location	Expense
10/30/18	Debbie Hunter Nicole Stols	Grade 3	Suez Water Treatment Plant Haworth, NJ	None

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Approval of Professional Conferences

9-25-18-12 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the following professional conferences (pending fund availability).

Name	Description	Location	Date	Amount
Irfan Evcil	NJSIG School Insurance Group	Teaneck, NJ	11/2/18, 1/25/19, 5/3/19	none

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Approval of Amended Resolutions

9-25-18-13 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the amendment to Agenda Items 6-19-18-05 and 8-28-18-56. The corrected tuition rates for the following students placed at SBJC for the 2018/2019 school year as follows:

Student #24128	\$70,900 (includes ESY)
Student #26291	\$70,900 (includes ESY)
Student #10905	\$61,000 (includes ESY)
Student #27576	\$67,400 (does not include ESY)

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Approval of Out of District Placement

9-25-18-14 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the placement of Student #24123 at BCSS Project Search at the contractual rate of \$34,920 for the 2018/2019 school year.

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Approval of Out of District Placements

9-25-18-15 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the placement and tuition of the following students who will be attending Bergen County Schools for the 2018/2019 school year, as follows:

Bergen Academy, Hackensack \$9,306 per student

Student #27536

Student #25693

Student #25684

Student #24893

Student #24883

Student #27520

Sub Total: \$55,836

Bergen Tech, Teterboro \$9,306 per student

Student #25636

Student #10943

Student #10621

Student #26857

Student #26606

Student #10588

Student #26051
Student #26007
Student #25545
Student #224088514
Sub Total: \$93,060

Paramus Vo Tech \$9,216 per student

Student #10495
Student #11012
Student #25633
Sub Total: \$27,648

Applied Tech \$9,306 per student

Student #11001
Student #25720
Student #25984
Sub Total: \$27,918

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Approval of Volleyball Family Carnival

9-25-18-16 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the Bogota Volleyball Team to hold a family carnival at Feigel Field from April 16th through April 20th 2019.

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

PERSONNEL

All personnel appointments are contingent upon receipt of an affirmative criminal history record check and the holding of proper certification.

The agenda items **09-25-18-17 through 09-25-18-21** for the regular meeting of the Board for September 25, 2018 was reviewed and a consent agenda was established.

Rescinds Appointment

9-25-18-17 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board rescinds the appointment of **Jessica Hernandez** Teacher Aide (Resolution #7-24-18-09).

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Approval of Salary Correction

9-25-18-18 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the correction to the salary of **Julie Vinci** (resolution **8-28-18-111**) as follows:
MA Step 3 \$58,898

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Approval of Maternity Leave

9-25-18-19 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the maternity leave of **Sabina Albirt**, Librarian at the Jr./Sr. High School, as follows:

January 2, 2019 through March 1, 2019 using 40 sick days

March 4, 2019 through April 12, 2019 FMLA and NJFLA running concurrently. Returning to work April 15, 2019

*above dates subject to change pending used sick days prior to the start of maternity leave and actual date of leave.

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Approval of Co-Curricular Positions

9-25-18-20 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the appointment of Co-Curricular Positions for the 2018/2019 school year, as follows:

Ariana Delloso Musical Vocal Director \$1,800

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Accepts Resignation

9-25-18-21 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves accepts the resignation of **Ryan Yaiser** from her position as 11th grade Co-Advisor.

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

FINANCE

Approval of Bill List

9-25-18-22 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the payment of bills in the amount of \$ dated as per the attached, which will become part of this resolution.

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Approval of Budgetary Line Item Expenditure

9-25-18-23 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, pursuant to N.J.A.C. 6A:23-2.11(C1), that, as of, August 31, 2018 no budgetary line item account has been over-expended in violation of N.J.A.C. 6A:23-2.11(C3), no major account or fund has been over-expended in violation of N.J.A.C. 6A:23-2.11(B), and that sufficient funds are available to meet the district's fiscal obligations for the remainder of the fiscal year.

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Approval of Payroll Transfer

9-25-18-24 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves/ratifies the payroll and fund transfer for the month of August 2018 in the amount of \$230,774.93 dated August 30, 2018 as attached, which shall be made a part of this resolution.

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Approval of Report of the Secretary

9-25-18-25 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools the Board approves the Report of the Secretary for the month of August 2018 as attached, which shall be made a part of this resolution.

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Approval of Report of the Treasurer

9-25-18-26 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools the Board approves the Report of the Treasurer for the month of August 2018 as attached, which shall be made a part of this resolution.

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Approval of Budget Transfers

9-25-18-27 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves/ratifies budget transfers for the month of August 2018 as attached, which shall be made a part of this resolution.

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

Approval of Non-Public Nursing Aid

9-25-18-28 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board accepts the non-public nursing aid and approves the agreements with Mid-Bergen Regional Health Commission for non-public nursing services for the 2018/2019 school year as follows:

St. Joseph School \$19,206.

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

BUILDINGS AND GROUNDS

The agenda item **09-25-18-29** for the regular meeting of the Board for September 25, 2018 was reviewed and a consent agenda was established.

Approval of Disposal of Old Furniture, Bookshelves, cabinets, etc.

9-25-18-29 BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board approves the disposal of any old and obsolete furniture such as bookshelves, filing cabinets, desks, and chairs in all district buildings. It has been determined there is minimal or no value to these assets.

Moved: Seconded: JD, EL, PMH, MM, JM, CS, KVB, AM, LK

COMMITTEE REPORTS

Mrs. Lewis informed that the Public Library committee is offering one to one ESL tutoring and they are looking for volunteers. Library is also putting together Strategic Planning for 2019 through 2021.

OLD BUSINESS

None at this time.

NEW BUSINESS

Mrs. DeVore asked if the council has made any comments about security for the Bogota Public Schools.

Ms. Montgomery read a personal statement (as attached) in regard to School Ethics Commission's decision of dismissing the complaint at its meeting on August 28, 2018.

Mr. Severino responded that he believes that the deductible is \$5,000 not \$15,000. He also said the only reason that was dismissed because that was filed in the wrong venue, that it should have been filed at controversies and disputes. He stated "Because if you read the decision, it didn't say we were wrong. Clearly you violated the statute, there's no argument there. It's just that we filed it in the wrong venue, we still have time to refile that, so I'm going to let it go with that."

Mrs. VanBuren also said complaint is out of SEC jurisdiction. She also stated "As far as the legal expenses, we did not incur any expenses, because we acted in good faith. 18A:17-17 says you shall not appoint anybody unless he holds certificate. Mr. Kennedy was not certified. It was not the three of us that incurred the expenses. Had you had strong convictions about how you stood on the vote, you would have not cost the district any expense."

Ms. Montgomery asked Mr. Evcil about deduction amount. Mr. Evcil said he we will sent the insurance determination letter to members.

HEARING OF PUBLIC

Mr. Moore moved, seconded by Mr. McHale, a motion to open the meeting for public comment. Motion unanimously approved by a voice call vote.

Bogota Councilman Mr. MacFarlane said there was no appropriation for security in 2018 budget. Also, stated that Mayor Kelemen underlines security and children as a priority. Citizen stated that the schools are extremely hot and asked for air conditioners or other options to relieve the heat for students.

Mr. Moore moved, seconded by Mr. McHale, a motion to close the meeting for public comment. Motion unanimously approved by a voice call vote.

EXECUTIVE SESSION

WHEREAS, C.231, P.L. 1975, also known as the Sunshine Law, authorizes a public body to meet in executive or private session under certain limited circumstances; and

WHEREAS, said law requires the Board to adopt a resolution at a public meeting before it can meet in such an executive or private session:

NOW, THEREFORE BE IT RESOLVED, by the Bogota Board of Education, that:

1. It does hereby determine that it is necessary to meet in Executive Session on September 11, 2018, at 7:40 p.m. to discuss student matters, litigation, and a matter involving the real property.
2. That the matter discussed will be made public if and when confidentiality is no longer required and action pursuant to said discussion shall take place only at a public meeting.

ACTION MAY BE TAKEN UPON RETURN FROM EXECUTIVE SESSION

Mr. Moore moved seconded by Mrs. Miller a motion for closed session discussion. Motion unanimously approved by a voice call vote.

Mr. Severino moved, seconded by Mrs. VanBuren, a motion to open the meeting in public session. Motion unanimously approved by a voice call vote.

ADJOURNMENT

Mr. Miller moved, seconded by Mr. McHale a motion for adjournment of the meeting at 8:18 p.m. Motion unanimously approved by a voice call.

Respectfully submitted,


Irfan Evcil
Board Secretary

I am reading this statement of behalf of Lisa Kohles, Eileen Lewis, Jim Moore, Jacqueline Devore, Maureen Miller and myself, Amanda Montgomery. On May 17th, 2018, the 6 of us received certified letters from the NJ Department of Education School Ethics Commission with two Ethics Complaints filed by our fellow Board Members Kathy Van Buren, Charles Severino and Patrick McHale.

For clarification while I read this: Lisa, Eileen, Jackie, Maureen, Jim and Myself are the Respondents, us or we

Kathy, Charley and Pat are the Complainants, they or them

These were the complaints filed against us:

Complaint 1: At a Regular Meeting of the Bogota Board of Education the Respondents appointed Mr. Damian Kennedy as Superintendent of Schools effective July 1, 2018. Mr. Kennedy does not hold a Superintendent's certification. At a previous Closed Session Meeting of the Board of Education the Complainants advised the Respondents that they couldn't appoint a noncertificated person. The Respondents presented a contract to Mr. Kennedy and he signed it prior to his appointment and certification. Complainants received a copy of this contract on Friday May 11, 2018.

Complaint 2: At a Regular Meeting of the Bogota Board of Education the Respondents voted to appoint Mr. Patrick Murphy as a Substitute Teacher for the 2018/2019 school year. Mr. Murphy is Ms. Devore's husband. Ms. Devore voted yes along with the other Respondents. Mrs. Van Buren and Mr. Severino voted no. Before the meeting adjourned Ms. Devore asked to change her vote from yes to abstain. An abstention goes with the majority so it is still a yes vote.

As a result of these complaints, the 6 of us hired an attorney. We consulted with NJ School Boards and our School Business Administrator because our Board Attorney was conflicted out. For a case such as this, our school insurance appoints a neutral attorney for representation. Our attorney then filed a Motion to Dismiss and allegations of Frivolous filing. Our attorney filed the following response to the complaints I read above.

In Count 1: Respondents argue that, at the Board meeting on May 15, 2018, Kennedy's appointment was approved by a majority of the Board, but the appointment was expressly noted as "pending approval of the Executive County Superintendent of Schools [ECS]." In addition, Kennedy received his school administrator certificate in the first week of June 2018, and his appointment was approved by the ECS on June 15, 2018. Regardless, Respondents argue that this Count must be dismissed because the Complaint is "utterly devoid of any reference to, or copy of, any ... court or agency decision, as [is] required by N.J.A.C. 6A:28-6.4(a)(1)" to prove a violation of N.J.S.A. 18A: 12-24. 1(a). Even if such a decision existed, liability would fall on the Board, and not on individual Board members (Respondents). As for the alleged violation of N.J.S.A. 18A: 17-17, Respondents argue that Kennedy received the

appropriate certification prior to the start of his employment and, more importantly, the Commission does not have jurisdiction to address this allegation. Therefore, Respondents contend that Count 1 should be dismissed.

In Count 2, Complainants contend that, also at a Board meeting on May 15, 2018, Respondents voted to appoint an individual to a teaching position for the following school year; however, the individual appointed was the spouse of Respondent DeVore. Although Respondent DeVore initially voted "yes" to her spouse's employment, she later changed her vote, with permission from the other members of the Board, from "yes" to "abstain." Based on these facts, Complainants allege that Respondents violated N.J.S.A. 18A: 12-24.1 (a), Board policy, and N.J.A.C. 6A:23A-6.2.

On August 28th, 2018, the School Ethics Commission met to review our case. This was their decision.

...Complainants have not alleged any facts which, if true, could support a finding that Respondents violated N.J.S.A. 18A:12-24.1(a) as alleged in Count 1, and Complainants voluntarily dismissed/withdrew the allegations in Count 2...Pursuant to N.J.S.A. 18A: 12-29(b), the Commission hereby notifies Complainants and Respondents that, for the reasons set forth above, this matter is dismissed.

The cost to the school district has yet to be determined, the business office is still waiting for invoices from the insurance appointed attorney's office. However, it was confirmed that we have a \$15k deductible which needs to be met before the insurance will cover any costs.