

**Atlantic City Board of Education
Special Meeting
February 23, 2021 – 6:00pm**

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Call To Order Mr. Steele presiding at 6:05pm.

Roll Call Mr. Advena (after roll call), Mrs. Bailey, Mrs. Byard, Mr. Chowdhury, Mr. Devlin, Mr. Herbert, Mr. Hossain, Mr. Islam, Mr. Johnson, Mr. Steele

Also present Mr. Caldwell, Ms. Morris, Ms. Yahn, Mrs. Ricketts, Mrs. Riley, Mrs. Brown and Ms. Wallace.

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 February 20, 2021.

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

Vision & Mission Statement

Vision: The Atlantic City District recognizes the urgency to provide resources to improve instruction through exemplary and diverse practices which are monitored and analyzed through student achievement data. The District has the expectation that all students will achieve the New Jersey Student Learning Standards at all grade levels.

Mission: In order to meet the needs of all students, the District is committed to increasing student learning and improving teaching in the core academic subjects by using instructional strategies aligned with the New Jersey Student Learning Standards at all grade levels. Parents will be active partners and key stakeholders with the Atlantic City School District to support their student's intellectual, emotional, physical and social growth.

Superintendent Report - Mr. Caldwell asked for prayers for former Atlantic City teacher Ms. Tara Bloom who passed away from COVID and prayers for her family.

Public Comments – Mr. Steven Young discussed the superintendents search and the investigation regarding the sexual assault by Kayan Frazier, relative of Marty & LaQuetta Small, why no answers have been given, the need for the right leadership, thousands of videos and pictures and still no answers. Mr. Steele advised the Board cannot elaborate on the issue and special counsel is still investigating. Ms. Shelley Williams inquired about the 3 final candidates for the superintendent position, the number that applied for the position, the number of minorities and the number of ACBOE staff members who applied.

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Closed Session

On a motion made by Mrs. Byard and seconded by Mrs. Bailey, the Atlantic City Board of Education went into closed session at 6:19pm for approximately 2 hours.

Noted for the record: Solicitor Mrs. Riley advised Board Secretary Mrs. Brown not the count Mr. Hossain's vote to due pending residency matter.

ORIGINAL VOTE: Mrs. Bailey-yes; Mrs. Byard-yes; Mr. Chowdhury-yes; Mr. Devlin-yes; Mr. Herbert-no; Mr. Islam-yes; Mr. Johnson-yes; Mr. Steele-yes. Of nine members present, seven voted in the affirmative and one in the negative. The motion carried.

AMENDED VOTE: Mrs. Bailey, Mrs. Byard-yes; Mr. Chowdhury-yes; Mr. Devlin-yes; Mr. Herbert-no; **Mr. Hossain-no;** Mr. Islam-yes; Mr. Johnson-yes; Mr. Steele-yes. Of nine members present, seven voted in the affirmative and two voted in the negative. The motion carried.

**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 6:19pm 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;

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: **Tort Claims Notice - Marty Small & LaQuetta Small, ESS Contract, Workers Compensation, Farook Hossain, Mossammat Akther, Administration Building, Doctrine of Necessity.**

(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

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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 February 23 2021.

Noted for the record: Mr. Chowdhury, Mr. Herbert and Mr. Hossain were not present for the voting of the below resolutions.

RETURN TO OPEN SESSION

On a motion made by Mr. Steele and seconded by Mr. Devlin, the Atlantic City Board of Education voted to return to open session at 8:35pm.

AFTER CLOSED SESSION

Personnel #1

1. On a motion made by Mr. Steele and seconded by Mr. Johnson, the Atlantic City Board of Education voted to approve Personnel #1, the following Doctrine of Necessity. At the call of the roll the vote was as follows: Mr. Advena-yes; Mrs. Bailey-yes; Mrs. Byard-yes; Mr. Devlin-no; Mr. Islam-no; Mr. Johnson-yes; Mr. Steele-yes. Of seven members present, five voted in the affirmative and two voted in the negative. The motion carried.

Approve the following Doctrine of Necessity:

BE IT RESOLVED that the Atlantic City Board of Education ("Board"), County of Atlantic in the State of New Jersey that:

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WHEREAS, the School Ethics Act (“SEA”), *N.J.S.A.* 18A:12-21 et seq. was enacted by the New Jersey State Legislature to ensure and preserve public confidence in school board members and school administrators, and to provide specific ethical standards to guide their conduct; and

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 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; 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 a teacher; and.
- (5) Board Member Mr. Albert Herbert’s sister-in-law is employed by the Board as a teacher.

WHEREAS, the inability of the aforementioned Board members to participate in the Discontinuation of the current Superintendent search as directed by the SEA will result in a lack of a quorum necessary to approve the Discontinuation of the current Superintendent search; 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 the Discontinuation of the current Superintendent search; 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 on the Discontinuation of the current Superintendent search in accordance with State law; and

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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.

Goods & Services 1 - 3

1. NOT OFFERED

2. Approve the settlement of the matter of Bruce Harper v. Atlantic City Board of Education in the amount of \$5,075.00.

3. Authorize the Solicitor to file a Notice of Motion for Emergent Relief for the removal of Farook Hossain as an Atlantic City Board Member.

On a motion made by Mrs. Bailey and seconded by Mr. Steele, the Atlantic City Board of Education voted to approve Goods & Services 2 – 3. At the all of the roll the vote was as follows: Mr.,Advena-yes sending-abstain-elementary; Mrs. Bailey-yes; Mrs. Byard-yes; Mr. Devlin-yes; Mr. Islam-no; Mr. Johnson-yes; Mr. Steele-yes. Of seven members present five voted in the affirmative, one abstained on elementary and one voted in the negative. The motion carried.

POLICY 1 - 1

1. On a motion made by Mr. Steele and seconded by Mr. Johnson, the Atlantic City Board of Education voted to authorize the Solicitor to file civil litigation against Farook Hossain & Mossammat Akther. At the call of the roll the vote was as follows: Mr. Advena-yes; Mrs. Bailey-yes; Mrs. Byard-yes; Mr. Devlin-no; Mr. Islam-no; Mr. Johnson-yes; Mr. Steele-yes. Of seven members present, five voted in the affirmative and two voted in the negative. The motion carried.

Adjourn There being no further business to come before the Board of Education on a motion made by Mrs. Bailey and seconded by Mr. Johnson, the meeting adjourned at 8:48pm.

Respectfully submitted,

Angela Brown
Board Secretary