

RECORD OF BOARD MEETINGS

The Franklin Lakes Board of Education directs the creation and maintenance of all official records of the formal proceedings of the Board and will permit the unofficial recordings of Board meetings by the public in accordance with this Policy.

The minutes of all meetings of a majority of the Board of Education shall be sufficiently detailed to serve as documentation of board compliance with New Jersey statutes and administrative code.

The minutes of the meetings of the board of education shall include:

- A. The classification (regular, adjourned or special), date, and place of meeting;
- B. The call to order stating time, person presiding and his/her office;
- C. The record of the roll call of board members;
- D. A notation of the presence of the chief school administrator, school business administrator, board secretary, administrators and the public;
- E. Announcement of notification listing the newspapers by name;
- F. A record of any corrections to the minutes of the previous meetings and the action approving them;
- G. A record of all communications presented to the board; and
- H. A record of each motion placed before the board, the result of the vote, and the vote of each member.
- I. Names of persons and a brief description of items discussed during the open portion of the agenda.
- J. The time of day of each order of business and additional detail at the discretion of the Board Secretary.

A copy of the minutes of the previous meeting shall be sent to all board members along with agenda materials.

The minutes shall be filed permanently for reference purposes.

All reports requiring board action, resolutions, agreements and other written documents shall be placed in the files of the board secretary and/or the chief school administrator as a permanent record.

Minutes of Closed Meetings

The minutes of closed meetings must be made available to the public as soon as the reason for confidentiality no longer applies. When a closed meeting deals with more than one privileged matter, the minutes shall be prepared in such a way that each matter can be separated and disclosed in a timely manner.

Public Access to Minutes

Minutes of all regular meetings shall be available to the public for inspection after they have been approved by resolution of the Board.

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The board secretary (or other person deemed to be the custodian of public records) shall permit the minutes to be inspected, examined and copied by any person during regular business hours. However, for a board of education having a total district enrollment of 500 pupils or fewer, minutes shall be available during not less than six regular business hours over not less than three business days per week or the board's regularly-scheduled business hours, whichever is less. The board may charge a fee for copies of the minutes as provided by law.

Official Recordings of Public Meetings

The Board of Education shall make an audio recording of each Board meeting and place the audio recording on the District's website for the public as a "Podcast." The Podcast shall contain the actual audio recording of the Board meeting from the time the presiding officer calls the public meeting to order to the time the presiding officer properly adjourns the public meeting.

The board secretary may make video or audio recordings of public meetings of the board in order to assure proper documentation of occurrences and the preparation or transcription of minutes. All video or audio recordings are the sole property of the board, and any individual requesting access to these materials must do so in writing five working days in advance. To the extent that the Board is capable, it will post all audio recordings of public meetings on the District website within three business days. The video or audio recordings shall not be removed from the board office and must be played in the presence of the board secretary/designee. All video or audio recordings shall be stored on a secured server or other electronic file storage system located in the board office and shall be retained under the NJDARM schedule for 45 days and for a minimum of 7 years.

Video and Audio Recordings by Members of the PublicA. Notice Requirements

Any person(s) wishing to record audio and/or video of Board meetings shall provide the Board Secretary with advance written notice of such intent. The written notice shall contain the person's name, address, telephone number, and email address and shall contain the person's consent to permit the Board, at the Board's sole expense and upon its request, to make a reproduction of the recording. Unless otherwise designated by the Board, any such recording shall not be represented as an official record of the Board in any manner or for any purpose. Making alterations to the original recording for which permission has been granted is prohibited.

B. Right to Privacy

Where the Board determines that a person's right to privacy may be violated by continued recording of the meetings, the Board shall request that all such recording be suspended temporarily. Any person so recording the meeting shall comply with the Board's request, which may be made by the Board President in his or her sole discretion. To protect an individual's right to privacy and the attorney-client privilege, there shall be no audio recording of private conversations occurring in the audience or between the Board and its attorney. During the conduct of any hearing or proceeding otherwise closed to the public pursuant to any applicable law or regulation, all recording shall cease.

C. Permissible Equipment

Only audio or video recording equipment which does not produce distracting sound or light, either from the equipment or its operation, shall be used in the audio or video recording of Board meetings. It shall be an affirmative duty of any person who wishes to record audio and/or video of Board meetings that the equipment

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used complies with the criteria set forth herein. Persons wishing to record audio or video of Board meetings shall be permitted to utilize unobtrusive recording devices. Additionally the Board shall allow any recording device permitted under the New Jersey Supreme Court Guidelines for Still and Television Camera and Audio Coverage of Proceedings of the Courts of New Jersey, except to the extent that such devices may be inappropriate in light of differences between the space available in the Board's meeting room in comparison to a court room. Absent prior written Board approval, no artificial lighting of any kind will be permitted. Unless otherwise determined by the Board, no electrical or other wiring is allowed due to the danger of entanglement and tripping.

D. Location and Positioning of Equipment and Persons Recording

Audio and video recording equipment shall be positioned only at such locations as are designated or approved by the Board and shall not be moved in an way as to attract attention. The designated areas shall provide reasonable access to coverage. Persons recording shall not move around the room while meetings are in session and microphones or recording equipment, once positioned, shall not be moved during the Board meeting. Recording equipment shall be placed in the area designated by the Board prior to the commencement of the Board meeting. Following the adjournment of the Board's meeting, persons responsible for recording shall immediately remove all recording equipment and shall restore the facility to the same condition it was in immediately prior to the recording equipment being set up.

E. Hold Harmless and Indemnification

The Board shall bear no liability for any damaged, lost, or stolen recording equipment or for any damage or injury proximately caused by any person recording the Board meeting or by any such recording equipment. All persons recording Board proceedings shall hold the Board harmless and indemnify the Board against all such damage and injury whether to themselves or others.

Adopted:
NJSBA Review/Update:
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Readopted:

Key Words

Minutes, Board Meeting Minutes, Records, District Records and Reports

Legal References: N.J.S.A. 10:4-6 et seq. Open Public Meetings Act
See particularly:
N.J.S.A. 10:4-10, -14
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:17-7 Secretary to give notices and keep minutes, etc.
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.S.A. 47:1A-1 et seq. Public Records; Examination and Copies (Open Public Records Act)
N.J.A.C. 6A:8-4.3 Accountability
N.J.A.C. 6A:30-2.1 NJQSAC
N.J.A.C. 6A:32-12.1 Reporting requirements

Executive Order No. 9, September 30, 1963; modified by Executive Order No. 11, November 15, 1974

Maurice River Board of Education v. Maurice River Teachers Assn. 193 N.J. Super. 488

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(App. Div. 1984)

Matawan Ed. Ass'n. v. Matawan-Aberdeen Ed. Bd., 212 N.J. Super. 328

Liebeskind v. Mayor & Mun. Coun. of Bayonne, 265 N.J. Super. 389, 400-401 (App. Div. 1993)

Atlantic City Convention Center Authority v. South Jersey Publishing Co., Inc., 135 N.J. 53 (1994). Tapes made during closed government meetings are common law public records, subject to the removal of any confidential or privileged information before disclosure. "Blanket access to the tapes would not be required: rather, access could be limited to those portions of the tapes necessary to vindicate the public interest."

Robert Wayne Tarus v. Borough of Pine Hill, et al., NJ Supreme Court (A-93-2005, decided March 7, 2007). The public's right of access to governmental proceedings includes the right to videotape.

New Jersey Department of State, Division of Archives and Records Management, School District Records Retention Schedule

Possible

Cross References: *3570 District records and reports
9123 Appointment of board secretary

*Indicates policy is included in the Critical Policy Reference Manual.