

**BERKELEY HEIGHTS BOARD OF EDUCATION
SPECIAL MEETING
MINUTES
SEPTEMBER 1, 2022**

CALL TO ORDER

The Berkeley Heights Board of Education held a Meeting on Thursday, September 1, 2022, in the Governor Livingston High School Cafeteria. The Meeting was called to order by the Board President, Mr. Michael D'Aquila, at 5:30 pm.

BOARD MEMBERS PRESENT:

Mrs. Akiri (*arrived at appr. 5:33pm*)
Mr. Cianciulli
Mr. D'Aquila
Dr. Foregger
Mr. Hyman
Mrs. Penna
Mrs. Stanley
Mrs. Young

OTHERS PRESENT:

Dr. Varley, Superintendent of School
Dr. Greer, Assistant Superintendent
Mrs. Kopacz, Assistant Superintendent
Ms. Kot, Business Administrator/Board Secretary

MEETING NOTICE STATEMENT

Adequate notice of this meeting of the Berkeley Heights Board of Education was given as required by the Open Public Meetings Act as follows:

Notice of the revised 2022 Board of Education Meeting schedule was sent to the Star Ledger and the Courier News on February 2, 2022. On August 29, 2022, notice of the September 1, 2022, Board of Education Special Meeting was sent to the Star Ledger and the Courier News, and was also provided to all schools, PTO Presidents, the BHEA President, and posted at the Administration Building. A copy was also provided to the Public Library and filed with the Municipal Clerk.

FLAG SALUTE

Mr. D'Aquila led the Board and the public in the Pledge of Allegiance.

RECOGNIZE PUBLIC (for comments)

During this portion of the meeting, members of the public are invited to address the Board of Education on any topic.

The Board requests that individuals state their name and township of residence (or school of attendance) for the record, and asks that all remarks be directed to the Board President or designee (not to individual board members or staff). The Board asks that members of the public be courteous and mindful of the rights of other individuals when speaking. Specifically, comments regarding personnel matters are discouraged and cannot be responded to by the Board. Students and employees have specific legal rights afforded by the laws of New Jersey. The Board bears no responsibility nor will it be liable for any comments made by members of the public. If a matter concerning a district staff member is of interest or concern to a resident, the matter should be referred to the responsible Building Principal, Superintendent of Schools, or the Board of Education, either by telephone, letter, or email.

Although the Board may not respond to items raised during the public forum, all public comments will be considered.

Please note that if any member of the public becomes disruptive during the meeting the board president may terminate the participant's statement. Continued disruptions may result in removal from the meeting or adjournment of the meeting.

Each speaker's statement will be limited to three (3) minutes in duration.

- Dipti Khanna commented about the draft Nepotism Policy and whether it was appropriate while a related Ethics Complaint is pending. She also questioned the District Policy on Legal Services, asking who the designated contacts were to manage legal requests, and alleged that the District is supposed to maintain a log of legal activity, and asked for a copy of the log.
 - Mr. D'Aquila said that the Board sent the draft policy back to Committee for deliberation as advised at the August Meeting. Mr. D'Aquila asked Mr. Cianciulli, Chair of the Policy Committee, to come back at the next meeting with a report after researching the Legal Services Policy.
- Natasha Joly asked about the cost of new equipment purchased to hold Zoom meetings at GL and said it was a waste of money if the District is not going to hold hybrid meetings that allow for remote attendee comments. She also asked about the availability of health curriculum materials.
 - Mr. D'Aquila advised the approximate cost of the equipment was \$10,000 and that the Board has decided that public comments need to be made in person.
 - Mrs. Kopacz added that the full curriculum is posted to the District website (*see links below*):
 - State standards for health and physical education can be found here: <https://www.nj.gov/education/standards/chp/index.shtml>.
 - BHPS health and physical education curriculum grades 1-5 can be found here: <https://www.bhpsnj.org/site/handlers/filedownload.ashx?moduleinstanceid=800&dataid=24324&FileName=BHPS%20CHPE%20Curriculum%20K-5%20Comprehensive%20Health%20and%20Physical%20Education.pdf>
 - BHPS health and physical education curriculum for grades 6-8 can be found here: <https://www.bhpsnj.org/site/handlers/filedownload.ashx?moduleinstanceid=801&dataid=24397&FileName=Updated%20Physical%20Education%20-%20Comprehensive%20Health%206-8.pdf>
 - BHPS health and physical education curriculum for grades 9-12 can be found here: <https://www.bhpsnj.org/site/handlers/filedownload.ashx?moduleinstanceid=852&dataid=24396&FileName=Updated%20Physical%20Education%20-%20Comprehensive%20Health%209-12.pdf>
- Ramya Kasthuri asked why the teacher contract was not settled with school starting in a few days and asked the Board to finalize the contract.
 - Mr. D'Aquila said that the BHEA contract was the reason this Special Meeting was called so it could be discussed in Executive Session.
- Helen Gabara asked about how she could review the specifics of the health curriculum, including teacher's lesson plans.
 - Mrs. Kopacz advised that teacher lesson plans are the property of each teacher and not shared with the public. The curriculum is available on the District website. Parents may contact their child's principal or teacher to discuss opting-out of specific lessons.
- John Migueis spoke in support of sex education in the schools and against the presence of police in schools. He would like to see "town hall" meetings to include the community in decision-making.

ADJOURN TO EXECUTIVE SESSION

WHEREAS, the Berkeley Heights Board of Education seeks to adjourn to Executive Session in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.: and

WHEREAS, the Open Public Meetings Act provides that a public body may exclude the public from that portion of the meeting at which it discusses matters related to those identified below:

- a. Matters rendered confidential by Federal Law, State Law, or Court Rule
- b. Individual privacy
- c. Collective bargaining agreements
- d. Purchase or lease of real property if public interest could be adversely affected
- e. Investment of public funds if public interest could be adversely affected
- f. Tactics or techniques utilized in protecting public safety and property
- g. Pending or anticipated litigation
- h. Attorney-client privilege
- i. Personnel – employment matters affecting specific prospective or current employees.

BE IT RESOLVED, that the Berkeley Heights Board of Education adjourns to Executive Session to discuss matters related to BHEA Negotiations;

BE IT FURTHER RESOLVED, that the minutes of the discussion of any of these items will be disclosed to the public when matters have been determined and confidentiality is no longer applicable.

MOTION by: Mrs. Young **SECOND by:** Mr. Hyman
ROLL CALL: Mrs. Akiri, Mr. Cianciulli, Dr. Foregger, Mr. Hyman, Mrs. Penna, Mrs. Stanley,
Mrs. Young, Mr. D’Aquila – *All Ayes*

- **The Board entered into Executive Session at approximately 5:51 p.m.**

RETURN TO PUBLIC SESSION

MOTION by: Dr. Foregger **SECOND by:** Mrs. Young
ROLL CALL: Mrs. Akiri, Mr. Cianciulli, Dr. Foregger, Mr. Hyman, Mrs. Penna, Mrs. Stanley,
Mrs. Young, Mr. D’Aquila – *All Ayes*

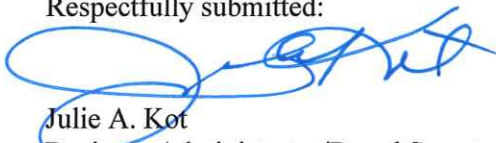
- **The Board reopened to Public Session at approximately 6:53 p.m.**

ADJOURNMENT

MOTION by: Mr. Hyman **SECOND by:** Mrs. Stanley
ROLL CALL: Mrs. Akiri, Mr. Cianciulli, Dr. Foregger, Mr. Hyman, Mrs. Penna, Mrs. Stanley,
Mrs. Young, Mr. D’Aquila – *All Ayes*

- **The meeting was adjourned at 6:54 PM.**

Respectfully submitted:



Julie A. Kot
Business Administrator/Board Secretary

