

**HANOVER TOWNSHIP BOARD OF EDUCATION
SPECIAL PUBLIC MEETING – IMMEDIATE REPEAL OF BOARD POLICY #5756
MINUTES
September 11, 2023**

I. OPENING

The meeting was called to order by the Board President at 6:30 p.m. in the auditorium at Memorial Junior School, 61 Highland Avenue, Whippany, NJ 07981.

The Board Secretary read the following statement:

In accordance with P.L. 1975, Chapter 231, notice of this meeting was provided to the newspaper of record, appropriately posted and sent to the Township Clerk on September 7, 2023.

Mrs. Bomengo led the flag salute.

Present: Board Members

Dr. Lynda Wright
Mr. Marc Amoresano
Mrs. Christine Egbert
Mrs. Gina Johnston
Mr. Gregory Skiff
Mrs. Lisa Bomengo

Superintendent
Business Administrator/
Board Secretary

Mr. Michael J. Wasko
Mrs. Vanessa M. Wolsky

Board Attorney

Mr. Matthew Giacobbe

Absent: Board Members

Mrs. Gina Maria Winkler
Mrs. Marcella Wilson
Mr. Jeffrey Basile

II. MOTION TO CONVENE IN EXECUTIVE SESSION – For Attorney-Client Communications Concerning Pending Litigation

Move to adopt the following resolution:

BE IT RESOLVED THAT the Hanover Township Board of Education will convene in executive session immediately to undertake discussions concerning legal matters and,

BE IT FURTHER RESOLVED THAT the nature of the discussion is expected to be disclosed to the public when the reasons for nondisclosure no longer exist.

The Board is expected to reconvene at 7:00 p.m.

Motion: Mrs. Bomengo **Second:** Mr. Amoresano **Approved:** Unanimous

Motion to reconvene Public Meeting at 7:03 p.m.

Motion: Mr. Amoresano **Second:** Mr. Skiff **Approved:** Unanimous

Motion to conduct a second Flag Salute

Motion: Mr. Amoresano **Second:** Mr. Skiff **Approved:** Unanimous

III. PUBLIC COMMENTS (Agenda Items Only)

Several members of the public spoke both in favor of and against the resolution to immediately repeal Board Policy 5756.

IV. BOARD ACTIONS – POLICY

Move to adopt the following:

1. Resolution to Immediately Repeal Board Policy 5756 in accordance with Board Bylaw 0131

Whereas, the Hanover Township Board of Education is involved in litigation challenging certain aspects of the Board Policy 8463 and its accompanying Regulation; and

Whereas, during the oral argument on Wednesday, September 6, 2023, Deputy Attorney General James Michael specifically advised the Honorable Stuart Minkowitz, A.J.S.C. that Board Policy 5756 is not a mandatory policy; and

Whereas, the Honorable Stuart Minkowitz, A.J.S.C. apprised the parties that Board Policy 5756 is not before him for consideration; and

Whereas, the current Temporary Restraining Orders Issued by the Honorable Stuart Minkowitz, A.J.S.C. on May 18, 2023 and August 24, 2023 temporarily enjoins and restrains implementing and/or giving effect to both Board Policy 8463 and revised Board Policy 8463 until such time as the Court renders a decision on plaintiffs' motion for preliminary restraints; and

Whereas, the Hanover Township Board of Education recognizes that it must comply with the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq., which

prohibits all forms of discrimination and affords all students, staff and visitors statutory protection from any form of discrimination; and

Whereas, the Hanover Township Board of Education recognizes that it must comply with the New Jersey Anti-Bullying Bill of Rights Act, N.J.S.A. 18A:37-13 et seq, which prohibits all forms of harassment, intimidation and bullying and affords all students statutory protection from same;

Now There Be it Resolved that the Hanover Township Board of Education, based on the recommendation of the Hanover Township Board of Education's Policy Committee, immediately repeals the non-mandatory Board Policy 5756 in accordance with Board Bylaw 0131; and

Be it Further Resolved that the Hanover Township Board of Education will reaffirm the immediate repeal of the non-mandatory Board Policy 5756 at its next regular Board of Education meeting on September 26, 2023 in accordance with Board Bylaw 0131; and

Be it Further Resolved that the Hanover Township Board of Education will continue to fully comply with the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq. to ensure that all students, staff and visitors are not subject to any form of discrimination; and

Be it Further Resolved that the Hanover Township Board of Education will continue to fully comply with the New Jersey Anti-Bullying Bill of Rights Act, N.J.S.A. 18A:37-13 et seq, to ensure that all students are not subject to any form of harassment, intimidation and bullying.

Motion: Mr. Amoresano **Second:** Mr. Skiff **Roll Call:** 6 Yes, 0 No

Discussion: Mr. Skiff commented on the need for the special meeting and stated that Policy 5756 is not mandatory, contains vague and ambiguous language, provisions which require duplication of records and fails to distinguish between disclosure to third parties and parents. He also stated that parents, not the State, act in the child's best interest and noted that the policy targets members of a protected class, violates, in his view, LAD and is ripe for legal challenge.

V. PUBLIC COMMENTS

A motion was made to amend the time limit for public comments to two minutes each.

Motion: Mrs. Bomengo **Second:** Mr. Amoresano **Approved:** Unanimous

Jacob Pender, New Brunswick, commented on the public comment period.

Terri Baird, Whippany, commented on the meeting being held on 9-11.

Michelle Stricchiola, Whippany, commented on the importance of having the meeting tonight.

Mark Wang, Florham Park, asked for clarification on an explanation that was given about parental notification.

Mr. Giacobbe commented that 8463 is only triggered if there is an adverse impact on a student's well being with a goal to notify if they are experiencing some type of harm (emotional, psychological, physical). He stated that the Board and Administration doesn't tolerate any form of discrimination whatsoever, as was made clear by Mr. Skiff. He also noted that 5756 is not a mandatory policy by law but was passed because the policy company said it was mandatory and that the District will make sure both State and Federal laws are respected.

VI. ADJOURNMENT – 10:16 p.m.

Motion: Mr. Amoresano **Second:** Mrs. Johnston **Approved:** Unanimous

Respectfully submitted,

A handwritten signature in black ink that reads "Vanessa M. Wolsky". The signature is written in a cursive, flowing style.

Vanessa M. Wolsky
Business Administrator/Board Secretary