



Lyndhurst Public Schools

BOARD OF EDUCATION
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In the spring, we wrote to you about a review of the Appellate Division on the New Jersey Superior Court regarding notices to public employees. The appeal on that decision continues to be pending. As a result, we are continuing our notice through December 31, 2018. That notice is as follows:

In the spring, a ruling of the Appellate Division of the New Jersey Superior Court expanded the reasons for which a public employee should receive advance notice (Rice Notice) of a discussion regarding the employee at a Board of Education Meeting. A Rice Notice derives its name from a 1977 Court Decision – Rice v. Union County Reg. High School Board of Education. This Court decision held that whenever the terms and conditions of employment of a public employee were to be discussed during a private or closed session of the Board of Education, regardless of the nature of that discussion, the Board of Education must provide the employee with a notice advising the employee of a right to have the discussion take place at a public meeting.

In the published decision issued on February 8, 2017 the Appellate Division held in the matter of Kean Federation of Teachers v. Morell that advance notice must be given to an employee anytime a Board of Education places on its agenda any matter “involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion, or disciplining” of the employee. This includes not only the annual list of contract renewals and non-renewals, but includes among other things, accepting a resignation of employment, approving a child rearing leave of absence or effectuating the voluntary or involuntary transfer of personnel.

In an effort to meet the direction of the Appellate Division, you are hereby advised that the Board of Education will meet on the dates listed below.

Work Sessions:

February 12, 2018
March 19, 2018
April 16, 2018
May 21, 2018
June 11, 2018
August 20, 2018
September 17, 2018
October 22, 2018
November 19, 2018

Public Sessions:

February 27, 2018
March 26, 2018
April 23, 2018
May 29, 2018
June 18, 2018
August 27, 2018
September 24, 2018
October 29, 2018
November 26, 2018

**** No work session or board meeting is currently scheduled in December 2018**

For each meeting, you are advised to review the agenda to determine whether the terms and conditions of your employment are being addressed in a resolution/motion during the public session of the meeting. If it is the position of the Board that this action will adversely affect you, you will be provided a specific Rice Notice.

If the position of the Board is that the action will not adversely affect you, you will not receive a specific Rice Notice.

If the Board is going to discuss the terms and conditions of your employment, in Executive (closed or private) Session, regardless of whether a positive or adverse inference can be drawn from the discussion, you will be provided a specific Rice Notice advising you of that discussion and your right to have the discussion in public.

This Notice will cover the Board Meetings from this date through December 31, 2018. It is the understanding of the Board that the Appellate Division Decision in Kean is currently being appealed and between now and December 31, 2018, the Board may receive different direction from the Court. Should that happen, the Board will, as it has now, provide notice to each employee of that change. Additionally, during the month of August, it is the intention of the Board to update this notification so as to be contemporaneous with any Board action during January 2019.