

**ATLANTIC CITY BOARD OF EDUCATION**  
**Office of the Secretary**

**CitiCenter Building**  
**1300 Atlantic Avenue – 5<sup>th</sup> Floor**  
**Atlantic City, NJ 08401**

**Angela Brown**  
**Board Secretary**  
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September 22, 2021

At the regular meeting of the Atlantic City Board of Education held on September 22, 2021, the following resolution was approved.

**Goods & Services #13**

On a motion made by Mrs. Byard and seconded by Mr. Johnson, the Atlantic City Board of Education voted to approve the following Doctrine of Necessity. At the call of the roll the vote was as follows: Mrs. Bailey-yes; Mrs. Byard-yes; Mr. Chowdhury-yes; Mr. Cupeles-yes; Mr. Devlin-abstain; Mr. Islam-yes; Mr. Johnson-yes; Mr. Steele-yes. Of eight members present, seven voted in the affirmative and one abstained. The motion carried.

**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 as teacher; father parent center employee 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 naming and approving of the Superintendent; and  
**WHEREAS**, as required by law, the Board desires to invoke the Doctrine of Necessity in accordance with Procedures established by the Commission; and

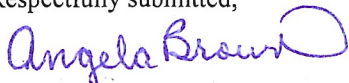
**NOW, THEREFORE, BE IT RESOLVED** by the Atlantic City Board of Education, County of Atlantic, State of New Jersey, that the aforementioned Board Members are prohibited from the naming and approving of the position of Superintendent;

**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 approve the naming and approving the Superintendent in accordance with State law; and

**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.

Respectfully submitted,



Angela Brown