

**NUTLEY BOARD OF EDUCATION  
SPECIAL MEETING  
JUNE 8, 2010**

The Nutley Board of Education held a Special Meeting on Tuesday, June 8, 2010 in the Board Conference Room located at 315 Franklin Avenue, Nutley, NJ.

President Reilly opened the meeting at 6:07 PM.

**FLAG SALUTE**

President Reilly led the assembly in the flag salute.

**MEETING NOTICE**

President Reilly stated that in compliance with Chapter 231, Public Law 1975 entitled Open Public Meetings Act, adequate notice of this meeting had been provided as specified in the Act. Proper notice of this Special Meeting was provided in the notice of June 4, 2010. Said notice was posted at the entrance of the Board of Education offices, mailed to The Star Ledger, The North Jersey Herald & News, The Nutley Journal, The Nutley Sun, Township Clerk advertised in The Nutley Sun on May 6, 2010 and posted on the district website.

This is an official meeting.

**ROLL CALL**

Present: Mr. James A. Kuchta  
Mr. Charles W. Kucinski  
Dr. Robert Reid  
Mr. Steven Rogers  
Mrs. Deborah J. Russo  
Mr. Kenneth Reilly

Absent: Mr. Vincent Moscaritola  
Mr. Walter Sautter  
Mr. Thomas J. Sposato (arrived 6:15 PM)

Also Present: Mr. Joseph Zarra, Superintendent of Schools  
Mrs. Mariana Francioso, Assistant Superintendent of Schools  
Mrs. Karen Yeamans, Interim Business Administrator/Board Secretary  
Mr. Frank Pomaco, Board Attorney

**MOTION TO ADJOURN TO EXECUTIVE SESSION**

At 6:09 PM Trustee Kucinski moved and Trustee Sposato seconded the following resolution:

WHEREAS, the Board of Education will be discussing matters exempt from public discussion pursuant to N.J.S.A. 10:4-12,

NOW, THEREFORE, BE IT RESOLVED that the Board of Education recess to Closed Executive Session at this time to discuss the following:

**Student Matters**

BE IT FURTHER RESOLVED that the results of the discussions will be made public by inclusion on the agenda of a subsequent meeting of the Board of Education or when the reasons for discussing such matters in closed session no longer exist.

The motion was approved by voice vote.

**RECONVENE MEETING**

At 6:34 PM Trustee Kuchta moved, Trustee Sposato seconded, and the Board unanimously approved by voice to reconvene the meeting.

**ROLL CALL**

Present: Mr. James Kuchta  
Mr. Charles Kucinski  
Dr. Robert Reid  
Mrs. Deborah J. Russo  
Mr. Steven Rogers  
Mr. Thomas J. Sposato  
Mr. Kenneth Reilly

Absent: Mr. Vincent Moscaritola  
Mr. Walter Sautter

Also Present: Mr. Joseph Zarra, Superintendent of Schools  
Mrs. Mariana Francioso, Assistant Superintendent of Schools  
Mrs. Karen Yeamans, Interim Business Administrator/Board Secretary  
Mr. Frank Pomaco, Board Attorney

**RESOLUTION**

President Reilly moved, and Trustee Sposato seconded, the following resolution. Upon being put to a roll call vote the resolution was unanimously approved.

WHEREAS, The Nutley Board of Education has conducted, in accordance with law, a long term suspension/expulsion hearing on this 8<sup>th</sup> day of June, 2010, regarding F.G., a middle school student; and

WHEREAS, The Nutley Board of Education has considered the arguments of Counsel for the Board and the representations by Board Counsel as to his discussions with Frank Cozzarelli, Esq., attorney for the student, F.G. and his parents; and

WHEREAS, The Nutley Board of Education has considered all exhibits and testimony presented; and

WHEREAS, The Board has considered the totality of the circumstances; and

WHEREAS, the Board finds that F.G.'s actions on May 19, 2010 are grounds for suspension under N.J.S.A. 18A:37-2 in that he was found in knowing possession of a controlled dangerous substance, *i.e.* marijuana, on school premises and upon the recommendation of the Superintendent of Schools and with the consent and approval of F.G.'s parents and his attorney;

NOW, THEREFORE, BE IT RESOLVED that F.G.'s suspension from John H. Walker Middle School be continued through the conclusion of the 2009-2010 school year, during which time F.G. shall have home instruction and that F.G. be prohibited from participation in the John H. Walker Middle School graduation ceremony and that F.G. be permitted to return to school for the school year beginning in September 2010.

### **MOTION TO ADJOURN TO EXECUTIVE SESSION**

At 6:36 PM Trustee Kucinski moved and Trustee Sposato seconded the following resolution:

WHEREAS, the Board of Education will be discussing matters exempt from public discussion pursuant to N.J.S.A. 10:4-12,

NOW, THEREFORE, BE IT RESOLVED that the Board of Education recess to Closed Executive Session at this time to discuss the following:

#### Student Matters

BE IT FURTHER RESOLVED that the results of the discussions will be made public by inclusion on the agenda of a subsequent meeting of the Board of Education or when the reasons for discussing such matters in closed session no longer exist.

The motion was approved by voice vote.

### **RECONVENE MEETING**

At 8:47 PM Trustee Kuchta moved, Trustee Sposato seconded, and the Board unanimously approved by voice to reconvene the meeting.

### **ROLL CALL**

Present: Mr. James Kuchta  
Mr. Charles Kucinski  
Dr. Robert Reid  
Mrs. Deborah J. Russo  
Mr. Steven Rogers  
Mr. Thomas J. Sposato  
Mr. Kenneth Reilly

Absent: Mr. Vincent Moscaritola  
Mr. Walter Sautter

Also Present: Mr. Joseph Zarra, Superintendent of Schools  
Mrs. Mariana Francioso, Assistant Superintendent of Schools  
Mrs. Karen Yeamans, Interim Business Administrator/Board Secretary  
Mr. Frank Pomaco, Board Attorney

**RESOLUTION**

President Reilly moved, and Trustee Russo seconded, the following resolution. Upon being put to a roll call vote the resolution was unanimously approved.

WHEREAS, The Nutley Board of Education has conducted, in accordance with law, a long term suspension/expulsion hearing on this 8<sup>th</sup> day of June, 2010, regarding J.P., a middle school student; and

WHEREAS, The Nutley Board of Education has considered the arguments of Counsel for the Board and the arguments of J.P.'s parents and;

WHEREAS, The Nutley Board of Education has considered the testimony of the administrators, the testimony of the parents of J.P. and the testimony of the parents of the victim, together with all exhibits submitted; and

WHEREAS, The Board has considered the totality of the circumstances; and

WHEREAS, the Board finds that J.P. has engaged in the act of bullying of another middle school student in violation of law and the code of conduct and bullying policy of the Nutley School District and upon the recommendation of the Superintendent of Schools;

NOW, THEREFORE, BE IT RESOLVED that J.P.'s suspension from John H. Walker Middle School be continued through the conclusion of the 2009-2010 school year, during which time J.P. shall have home instruction and that J.P. be prohibited from participation in the John H. Walker Middle School graduation ceremony and that J.P. be evaluated by the child study team to determine proper educational placement in the 2010-2011 school year and the need for psychiatric counseling.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:50 PM on a motion by Trustee Kuchta seconded by Trustee Rogers, and unanimously approved by voice vote.

Respectfully submitted,

Karen A. Yeamans  
Interim Board Secretary