

Supreme Court Hears Case on Right to Speak at Board Meeting

On Sept. 29, the New Jersey Supreme Court conducted oral argument in a matter that will have serious freedom of speech implications for all boards of education in New Jersey. This case involved a \$100,000 jury award for an alleged violation of a parent's First Amendment constitutional rights during a public board meeting.

In *Besler v. West Windsor-Plainsboro Reg'l Board of Education*, parent Philip Besler attended several public board meetings to voice his displeasure over the conduct of the girls' high school basketball coach. The

coach's language was unduly harsh and abusive and was often directed at Besler's daughter, the parent contended. After speaking about the coach's conduct at seven board meetings, at an eighth public meeting, Besler was gavelled-down by the board president while attempting to speak out on the same issue. At the ensuing trial, a jury awarded over \$100,000 in damages and more than \$350,000 in attorneys' fees. The board appealed the matter to the Appellate Division and ultimately the state Supreme Court.

At the New Jersey Supreme Court, the

board's attorney argued that the gaveling was a legitimate time, place, and manner restriction. NJSBA argued that the Open Public Meetings Act granted the board the right to exclude the public from discussions involving personnel matters. Besler's attorney argued that both the state and the federal constitution gave his client the right to address matters of public importance during the public portion of a board meeting. A decision is expected by the end of the year.



Welcome to Workshop Reception

Workshop 2009 attendees are cordially invited to the "Welcome to Workshop" Reception on Wednesday, Oct. 28. The reception, which is sponsored by MetLife, will be held in the Sheraton Atlantic City Convention Center Hotel from 5:15 p.m. to 6:45 p.m. It's an ideal time to network with old friends, NJSBA, NJASA and NJASBO staff and the sponsors.

After picking up a badge holder and other registration materials on the second level of the Convention Center, and participating in Wednesday's training programs, you can get to the reception by crossing the street to the Sheraton and proceeding to the Sheraton Gallery on the first floor.

Waldwick Board Member/Pascack Valley Supervisor Honored

Joseph Orlak, a member of the Waldwick Board of Education, was named one of the National School Board Association's "20 to Watch" emerging leaders in educational technology for his work as supervisor of social studies in the Pascack Valley Regional High School district.

The list seeks to identify individuals