

# POLICY GUIDE

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Apr 14

## 0143 BOARD MEMBER ELECTION AND APPOINTMENT

The election and appointment of Board of Education members will be conducted in strict compliance with law.

**Applicable for Type II Districts with an elected Board of Education and Regional School Districts**

A vacancy in the membership of a regional Board of Education the Board shall be filled in accordance with N.J.S.A. 18A:13-11. A vacancy shall be filled from the constituent districts represented by the former incumbents in the same manner as vacancies in the membership of Boards of Education of Type II districts having elected Boards of Education are filled.}

A vacancy in the membership of a Board of Education shall be filled as follows:

1. **By the Executive County Superintendent, if the vacancy is caused by:**
  - a. The absence of candidates for election to the school Board;  
or
  - b. The removal of a member because of lack of qualifications;  
or
  - c. The failure of the Board to appoint a person to a vacancy within sixty-five days following its occurrence; or
  - d. **Two or more candidates qualified by law for membership on the Board receiving an equal number of votes in a special runoff election.**



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2. By the Executive County Superintendent, to a number sufficient to make up a quorum of the Board if, by reason of vacancies, a quorum is lacking;
3. By special election within sixty days of the annual school election, if:
  - a. Two or more candidates qualified by law for membership on the school Board receive an equal number of votes in the annual school election; or
  - b. The annual election is disqualified due to improper election procedures.
4. By the Commissioner of Education if there is a failure to elect a member at the annual school election due to improper campaign practices; or
5. By a majority vote of the remaining members of the Board of Education after the vacancy occurs in all other cases.

The Board Secretary shall promptly notify the President of a vacancy to be filled by the Board. The President shall inform all other Board members. The Board will give public notice of the vacancy and invite any qualified person to submit a written request for consideration of his/her candidacy for the vacancy. The Board may also require candidates submit a resume with their written request.

In considering candidates who have expressed an interest in a vacancy, the Board of Education may interview candidates in public or executive session. The Board **must** vote to appoint a candidate to a vacancy in public session **and there shall be no decisions made in executive session.** In the event interviews are conducted in executive session, Board members, in the public session nomination and voting process, shall express their opinion in support of their vote **so the public can witness any deliberations, policy formulation, and the decision making process of the Board.**



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A roll call vote will be conducted on candidates in the order the candidates were nominated with a second. If there are two or more vacancies, each vacancy will be filled by a separate election process. The first candidate who receives the votes of a majority of the remaining Board members will be elected to the vacancy. In the event no candidate receives a majority vote of the remaining Board members, **another** election process shall be conducted between the two candidates receiving the highest number of votes.

A vacancy on the Board of Education of a county vocational school district shall be filled in accordance with N.J.S.A. 18A:54-16 et seq.

N.J.S.A. 18A:12-11; 18A:12-15

N.J.S.A. 18A:13-5; 18A:13-10; 18A:13-11 [regional district]

N.J.S.A. 18A:54-16 [vocational district]

Adopted:

