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Board Member Election and Appointment

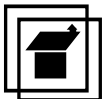
0143 BOARD MEMBER ELECTION AND APPOINTMENT

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

A vacancy in the membership of a regional Board of Education 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.
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



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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 and the Board should vote to accept the vacancy at the next regularly scheduled meeting or at the meeting where the resignation is announced by the resigning member.

The Board Secretary will give public notice of the vacancy and invite any qualified person to apply for the vacancy by a date certain. The Board shall require candidates to submit a resume along with a cover letter expressing the person's reasons for seeking the seat. The Board will publicly announce the names of the candidates who applied for the open seat after the filing deadline, but before the meeting where the interviews will occur.

The Board or an ad hoc committee thereof will develop the list of potential questions in advance of the interviews as well as the interview format, including but not limited whether opening and closing statements will be permitted, the number of questions posed to each candidate and whether time limits will be imposed. The questions may or may not be shared with the candidates in advance of the interviews, depending upon the will of the Board. The Board Secretary will notify the candidates of the format of the interviews and date, time and location of the interview at least seven (7) calendar days prior to the meeting where the interviews will take place. Candidates will also be provided with this policy or a link to it.

The interviews shall be conducted in public session. The candidates shall be asked the same questions. The questions may be decided ahead of time or randomly selected from a list of questions at the meeting itself by the Board Secretary. The order of the candidates shall be determined randomly at the meeting. The candidates who are not being interviewed shall be required to wait in a separate room during the interviews of the other candidates, without access to their phones or other communication equipment, so that they do not hear the questions and answers. The Board may or may not permit the candidates to hear the opening and/or closing statements of the other candidates if such statements are allowed. Once a candidate has been interviewed, he or she will be required to return to the waiting area until all interviews are complete.

Once all of the candidates have been interviewed, they will be asked to return to the main meeting room.



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The Board may then convene into closed session to discuss the qualifications and interviews of each candidate. The motion shall be stated as a motion to convene into executive session “to discuss matters of personal privacy.” A second and affirmative vote of the Board majority is required. The Board must vote to appoint the candidate in public session and there shall be no decisions or straw polls made in executive session.

If the Board member whose seat is being filled is still on Board, he/she will not be permitted to participate in Board deliberations and vote and must abstain.

Upon returning to public session, the Board President will call for nominations. Each nomination must receive a second in order to be considered for the vote. Once all of the potential candidates have been nominated with a second, the Board President will ask for a motion to close the nominations. This motion must be seconded and discussion will be permitted before the roll call. The discussion at this juncture should not be about the candidates. It should simply relate to the motion to close the nomination.

The Board Secretary will then call the roll on the nominated candidates. Upon being called in the roll, each Board members, shall state the name of the nominated candidate who he/she wishes to fill the vacant seat to be included in the agenda resolution. The member should then express his/her opinion in support of the vote so the public can witness any deliberations, policy formulation, and the decision making process of the Board. The resolution will appear on the agenda without any person’s name as follows:

Resolved, that [candidate name] be appointed to fill the vacant seat left by [BOE member name] to the Board of Education; and

Be it further resolved, that [candidate name] shall serve until the Board’s organization meeting in January 20__; and

Be it finally resolved, that [candidate name] shall be sworn in at the Board meeting on [date].

If a candidate receives the votes of a majority of the remaining Board members (5 affirmative votes on a 9 member Board regardless of the number of members present) he/she 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 (three if the tie is at second place) receiving the highest number of votes. If this still results in no candidate receiving a majority vote of the remaining members of the Board, the Board should ask a randomly selected additional question or two of the candidates in the same order in which the original questioning took place. The same



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question shall be asked of each candidate. Candidates who are not being interviewed, but are still in the running should be excused from the room during this second round of questions. This process continues until a candidate receives a majority of the remaining Board members. Nothing in this policy shall preclude a Board member from voting for a different candidate during each round of voting.

If after successive rounds of voting, the Board is deadlocked and no candidate receives a majority of the remaining Board members, the Board may choose to re-advertise the vacancy and attempt to fill the vacancy at a future meeting.

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

Gannett Satellite v. Manville Bd. of Educ, 201 N.J. Super. 65, 69 (Law. Div. 1984)

Adopted: 17 July 2012

Revised: 21 April 2015, _____

