

BY-LAW

FILLING VACANCIES

A vacancy on the Board of Education will be filled by:

1. The Executive County Superintendent, if a vacancy is caused by;
 - a. The absence of candidates for election to the 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. A tie for election between two or more candidates in a special runoff election.
2. Special election within sixty days of the annual election, if;
 - a. Two or more qualified candidates tie for election, or
 - b. The annual election is disqualified due to improper election procedures.
3. 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;
4. 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. If a vacancy occurs on the Board due to the recall of a Board Member, all procedures of the law shall be followed to fill that vacancy;
6. A majority vote of the remaining members of the Board of Education after the vacancy occurs in all other cases.
 - a. The Board Secretary shall promptly notify the President of a vacancy to be filled by the Board, and 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.

- b. In considering candidates who have expressed an interest in a vacancy, the Board of Education may interview interested candidates in public or executive session. The Board will vote to appoint a candidate to a vacancy in public 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 for a candidate.
- c. 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, a second election shall be conducted between the two candidates receiving the highest number of votes.

The individual filling a vacancy shall serve for a period in accordance with the law.

Whenever a member of the Board ceases to be a bona fide resident of the District, membership in the Board shall immediately cease. Any member who fails to attend three consecutive meetings of the Board without good cause may be removed by it.

A President or Vice-President of the Board of Education who refuses to perform a duty imposed upon him/her by law may be removed by a majority vote of all of the members of the Board, and in case the office of President or Vice-President shall become vacant, the Board shall, within 30 days thereafter fill the vacancy for the unexpired term. If the Board shall fail to fill the vacancy within such time, the Executive County Superintendent shall fill the vacancy for the unexpired term.

Date: February 23, 2009

Legal References:

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| N.J.S.A. 18A:6-56 | Election of members of representative assembly; vacancies (educational services commission) |
| N.J.S.A. 18A:12-1 | Qualifications of board members |
| N.J.S.A. 18A:12-3 | Removal of members |
| N.J.S.A. 18A:12-15 | Vacancies (Type II district) |
| N.J.S.A. 18A:13-11 | Vacancies in membership of board; filling (regional) |
| N.J.S.A. 18A:15-2 | Removal of president or vice-president; vacancies |
| N.J.S.A. 19:27A-1 <i>et seq.</i> | Uniform Recall Election Law |

Cross References:

9110

Number of Members and Terms of Office

9120

Election of Officers and Auxiliary

Personnel