

Bylaw

NOTE: IN TYPE I DISTRICTS, COUNTY VOCATIONAL SCHOOL DISTRICTS, REGIONAL DISTRICTS AND EDUCATIONAL SERVICES COMMISSIONS, VACANCIES ARE FILLED IN THE SAME MANNER IN WHICH MEMBERS ARE APPOINTED. THIS POLICY APPLIES TO TYPE II DISTRICTS.

FILLING VACANCIES

Vacancies Filled by the Board

The board shall fill vacancies created by the resignation, removal by the board for cause or death of a serving member, or when a member ceases to be a bona fide resident of the district. The vacancy shall be filled within the 65 days prescribed by law.

Procedures by which to select the persons to fill such vacancies may include advertisement of the vacancy in suitable local media, and interviews with interested parties conducted in public by the board acting as committee of the whole.

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.

Vacancies filled by the board shall be by a majority vote of the remaining members of the board after the vacancy occurs.

Vacancies Filled by the Executive County Superintendent

The Executive County Superintendent fills vacancies that the board fails to fill within 65 days, and those caused by the voters' failure to elect a member, or by the removal of a member because of lack of qualifications, some flaw in the election, or when a recount or contested election fails to elect a member. The executive county superintendent also appoints enough members to make up a quorum.

Date: Reviewed: 11/17/1999; 10/12/2011
Adopted: 12/14/2011

Legal References: Use legal reference sheet.

Key Words

Filling Vacancies, Board Vacancies

5/06
9113b

Legal References

FILLING VACANCIES

Other Reasons:

It is advisable to have a statement of the intent of an elected board to fill vacancies within the time set by law.

Recommendation:

A bylaw stating the process by which the board appoints individuals to fill what are normally elective positions. Type I boards may wish to make a statement regarding the duty of the chief officer of the municipality to appoint new members to fill vacancies.

<u>Legal References:</u>	<p><u>N.J.S.A.</u> 18A:6-56</p> <p><u>N.J.S.A.</u> 18A:12-1</p> <p><u>N.J.S.A.</u> 18A:12-3</p> <p><u>N.J.S.A.</u> 18A:12-7</p> <p><u>N.J.S.A.</u> 18A:12-15</p> <p><u>N.J.S.A.</u> 18A:13-11</p> <p><u>N.J.S.A.</u> 18A:38-8.1</p> <p><u>N.J.S.A.</u> 19:27A-1 <u>et seq.</u></p>	<p>Election of members of representative assembly; vacancies (educational services commission)</p> <p>Qualifications of board members</p> <p>Cessation of members</p> <p>Boards; appointments; vacancies (Type I district)</p> <p>Vacancies (Type II district)</p> <p>Vacancies in membership of board; filling (regional)</p> <p>Additional member on board of education in each sending district</p> <p>Uniform Recall Election Law</p>
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Possible

<u>Cross References:</u>	<p>*9010 Role of member</p> <p>9110 Number of members and terms of office</p> <p>9112 Elections/appointments</p> <p>9114 Resignation/removal from office</p> <p>*9270 Conflict of interest</p> <p>*9271 Code of ethics</p>
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*Indicates policy is included in the Critical Policy Reference Manual.