

Bylaw

VOTING METHOD

Official actions may be taken only at a regular monthly or specially called meeting at which a quorum is present. All motions shall require for adoption a majority vote of those present and voting (minimally, a majority of the quorum), except as provided by code or statute.

A vote can be conducted by voice, show of hands or roll call, provided that the vote of each member is recorded, except where a recorded roll call majority is required by code or statute. Proxy voting is prohibited. Any member may request that the board be polled.

Abstentions

A member may abstain from voting. An abstention shall be so recorded and shall not be counted as either an affirmative or a negative vote. Abstentions are to be so recorded, regardless of whether a person speaks for or against a motion prior to stating his/her wish to abstain. The silence of a member on any vote shall be recorded as an abstention.

Actions Requiring a Majority Vote

The following actions require a majority vote of the full membership of the board:

- A. Appointing a teaching staff member;
- B. Transferring a teaching staff member;
- C. Adopting or altering a course of study;
- D. Selecting textbooks;
- E. Withholding a prescribed employment or adjustment increment;
- F. Determining the sufficiency of charges to dismiss or reduce the salary of a tenure employee;
- G. Admitting pupils, who have never attended public or private school, after October 1, following the opening of school for the fall term;
- H. Appointing and fixing the term of a Superintendent of Schools;
- I. Appointing or removing an Assistant Superintendent of Schools;
- J. Appointing and fixing the term and salary of a Board Secretary;
- K. Appointing and fixing the term and salary of an Assistant Board Secretary;
- L. Appointing, fixing the salary and defining the duties of a School Business Administrator;
- M. Restoring or removing an Assistant Superintendent, Principal or teaching staff member, following suspension by the Superintendent of Schools;
- N. Removing from office a president or vice president of a board for failure to perform a duty imposed upon him;
- O. Directing the Board Secretary to make deductions for fees and premiums for hospital service and group insurance plans and for the United States government bonds from salaries of participating employees;
- P. Deciding to use voting machines in annual and special school elections in districts where they are used in general or municipal elections;
- Q. Exchanging lands owned by the board;
- R. Disposing of land owned by the board, or the rights or interests therein;
- S. Deciding to establish, with other school districts of the county, a county educational audio-visual aids center;
- T. Applying for membership in an already established county educational audio-visual aids center.

Adopted: 1994
NJSBA Review/Update: December 2008
Readopted: March 2009

Key Words

Voting Method, Abstentions

Legal References: N.J.S.A. 18A:38-8.1 Additional member on board of education to represent board of education in each sending district

Aurentz v. Little Egg Harbor Township Planning Board, 171 N.J. Super. (Law Div. 1979)

King v. Asbury Park Board of Education, 1939-49 S.L.D. 20

Matawan Teachers' Assn. v. Board of Education, 223 N.J. Super. 504 (App. Div. 1988)

Lincoln Park Bd. of Ed. v. Boonton Bd. of Ed., 97 N.J.A.R. 2d (EDU) _____ (May 30)

Little Ferry Bd. of Ed. v. Ridgefield Park Bd. of Ed., 97 N.J.A.R. 2d (EDU) _____ (July 24)

Green Twp. Bd. of Ed. v. Newton Bd. of Ed., 97 N.J.A.R. 2d (EDU) _____ (August 5)