

# BOARDS OF EDUCATION APPOINTED and ELECTED

## An Overview

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Newark, New Jersey

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New Jersey School Boards Association

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# Return to Local Control

## N.J.S.A. 18A:7-49(e)

- **Not more than one year after return to local control, the board shall call a special election to place the question of classification of status before the voters**



# General Rule

## N.J.S.A. 18A:12-5 & 10

- **Type I District – Appointed by mayor**
- **Type II District – Elected by constituents**
- **All board of education members serve without compensation**



# **New Jersey School Districts 2018**

**Appointed Boards of Education**

**41**

**Elected Boards of Education**

**544**



# New Jersey School Districts 2018

## Appointed Boards of Education 41

- **County Vocational-Technical (18)**
- **County Special Services (5)**
- **County Special Services and Vocational (3)**
- **Non-county based appointed boards (15)**



# Qualification for Office

*N.J.S.A. 18A:12-1, 1.2*

- **Citizen & resident of the school district at least one year prior (appt. or election)**
- **Able to read and write**
- **Registered to vote; not disqualified as a voter**
  - **Must be 18 Years of age**
- **Not convicted of a disqualifying crime**
- **No conflicts of interest**



# Disqualification from Office

- **Membership ceases immediately**
  - **Lack of in-district residency**
  - **Election to governing body or as mayor**
  - **Failure to attend three consecutive meetings**
  - **Disqualification as a voter**
    - **Conviction of a disqualifying crime**



# Return to Local Control – Type I

## N.J.S.A. 18A:7A-49(f)

- **If the voters elect to become a Type I district, the decision becomes effective the following July 1**
  - **Incumbent board members at the time of election stay through the expiration of their terms & qualification of successors**





# Return to Local Control – Type II

## N.J.S.A. 18A:7A-49(g)

- **If the voters elect to transition into a Type II district, incumbent board members at the time of election remain in office through the expiration of their terms & qualification of successors**



# Type I (Appointed) Boards

*N.J.S.A. 18A:12-6, 9*

- **Number of members**
  - 9 in *cities of the first class* or by referendum
- **Term of Office**
  - 3 years



# Type I (Appointed) Boards

## Commencement of Term

*N.J.S.A. 18A:12-8, 9*

- **Cities of the first class**
  - Appointment by mayor, month of June
  - Term begins July 1
  - Terms of three years extending through expiration of appointment until appointment & qualification of successors



# **Type II (Elected) Boards**

***N.J.S.A. 18A:9-10, 12-11, 12-12, 13, 14***

- **Number of members – 9**
- **Three year terms**
- **May increase or reduce number of members by referendum**
- **Annual School Election**
  - **April or November**



# Type II (Elected) Boards

## Annual School Election

*N.J.S.A. 19:60-1, 1.1*

- **Third Tuesday in April (4/16/19)**
  - 14 districts, default date
  - Separate budget vote
- **First Tuesday in November (11/5/19)**
  - 530 districts
  - No vote on the budget at or under cap



# Type II (Elected) Boards

## Cost of School Elections

*N.J.S.A. 19:60-1, 1.1, 12*

- **April Annual School Election and Special School Elections – all costs borne by the school district**
- **November Annual School Election – costs borne by the county; board pays any increased costs**



# Board of Education Organization

## Type I (Appointed) Boards

*N.J.S.A. 18A:12-8 N.J.S.A. 18A:10-3*

- **Term of office begins with organization meeting, lasts until organization meeting following last year of term**
- **Cities of the first class**  
**Appointment during June**  
**Term of Office commences July 1**  
**Organization July 1(?)**



# Board of Education Organization

## Type II (Elected) Boards

*N.J.S.A. 18A:10-3*

- Term begins with organization meeting, lasts until organization meeting following last year of term
- April School Election - Organization meeting occurs – 1<sup>st</sup> or 2<sup>nd</sup> week following election
- November School Election – January 1-7





# Type I - Vacancies

*N.J.S.A. 18A:12-7*

- **Vacancies filled by mayor of municipality**
- **Filled within 30 days, for unexpired term**



# Type II - Vacancies

*N.J.S.A. 18A:12-15*

- **Vacancies generally filled by the board**
- **Vote - majority of remaining members of the board after vacancy occurs**
- **After 65 days w/o appointment, Executive County Superintendent (ECS) will appoint**



# Type II – Vacancies Cont...

- **Unexpired terms placed on the ballot in next annual school election unless...**
- **Vacancy occurs...**
  - **April – w/in 60 days of election or**
  - **November - After third Monday in July then**
  - **Member serves until organizational meeting following 2<sup>nd</sup> annual election**



# Type I Budget Approval

*N.J.S.A. 18A:7F- 5, 6*

*N.J.S.A. 18A:22- 7, 10, 11, 12, 14*

- **Adoption and filing of budget with Executive County Superintendent, March 4**
- **Executive County Superintendent approval**
- **Public hearing before Board of School Estimate; March 22 – March 29**



# Type I Budget Approval

N.J.S.A. 18A:22-1

- **Board of School Estimate**
  - **Two board of education members**
    - **Appointed by board**
  - **Two governing body members and**
    - **Appointed by governing body**
  - **Mayor of municipality**



# Type I Budget Approval

*N.J.S.A. 18A:22-14*

- **Board of School Estimate – Adopt and certify budget to board of education and governing body**
- **Adoption at or after a public hearing before board of school estimate, but not later than April 8**
- **Governing body includes tax levy in tax ordinance**



# Type II Budget Approval

*N.J.S.A. 18A:7F- 5, 6*

*N.J.S.A. 18A:22- 7, 10, 11, 12, 14*

- **Adoption and filing of budget with Executive County Superintendent**
- **Executive County Superintendent approval**
- **Public hearing before Board of Education**



# Type II Budget Approval

*N.J.S.A. 18A:7F- 5, 6*

*N.J.S.A. 18A:22- 7, 10, 11, 12, 14*

- **Adoption of budget, including amount to be raised by taxes**
- **At or after the public hearing, but not later than 18 days prior to the election**
- **Recorded roll call majority vote of full board membership**





# Type II Budget Approval April Election

N.J.S.A. 18A:22-37, 18A:13-19

- If voters approve – tax levy certified to county board of taxation by board of education
- If voters disapprove – budget sent to municipal governing body for review
- Governing body determines tax levy



# Type II Budget Approval

*N.J.S.A. 18A:7F- 5, 6*

*N.J.S.A. 18A:22- 7, 10, 11, 12, 14, 32, 33*

- **Tax levy certified by the board of education to the county board of taxation**



# Change in Classification

## Submission of Question to Voters

N.J.S.A. 18A:9 – 4, 5, 6

- **Governing body by resolution**
- **Board of Education by resolution**
- **Voter petition – 15% of legally qualified voters, last general election for members of the general assembly, filed with municipal clerk or *board of education***
- **Four year moratorium after election**



# Type I to Type II

## Submission of Question to Voters

*N.J.S.A. 18A:9 – 7, 8, 9, 10, 11*

- **Vote for Adoption of Question**
- **If approved, district becomes Type II immediately, board members remain until expiration of terms**
- **Next school election, increase to nine members**
- **3 seats each year, 3 year terms, ASAP**



# Type II to Type I

## Submission of Question to Voters

*N.J.S.A. 18A:9 – 7, 8, 9, 10, 11*

- **Vote for Adoption of Question**
- **If approved, district becomes Type I after June 30**
- **New board members appointed by the mayor effective after June 30**
  - **Incumbent members terminated 18A:9-8**



# Appointed and Elected Boards

## QUESTIONS?

