

# **POLICY (Bylaw)**

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## **FRANKLIN TOWNSHIP BOARD OF EDUCATION**

**File Code: 9113**

### 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.

A president or vice president of a board of education who shall refuse to perform a duty imposed upon him by this law (18A:15-2) 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 county superintendent shall fill the vacancy for the unexpired term.

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.

The person appointed shall serve for a period in accordance with the law.

Each member so appointed shall serve until the organizational meeting following the next annual election unless the appointment occurs within sixty (60) days immediately preceding such election to fill a term extending beyond such election. In the latter case, the appointed member shall serve until the organizational meeting following the second annual election next succeeding the occurrence of the vacancy.

#### Vacancies Filled by the County Superintendent

The 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 county superintendent also appoints enough members to make up a quorum.

Date adopted: 3/26/07

Date revised: 6/8/09

Date revised: 9/14/09

**Legal References:**

N.J.S.A. 18A:6-56 Election of members 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:12-7 Boards; appointments; vacancies (Type I  
district)

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. 18A:38-8.1 Additional member on board of education  
in each sending district

N.J.S.A. 19:27A-1 et seq. Uniform Recall Election Law