MERCHANTVILLE BOARD OF EDUCATION **130 South Centre Street** **Merchantville, New Jersey 08109**	**FILE CODE: 9325.4** **Proposed: 08/23/88** **Adopted: 09/27/88** **Revised:** **Reviewed: 02/05/2024**

Voting Method

Board Voting Requirements

The following actions require a recorded roll call vote and must pass by an affirmative vote of the majority of the full board.

1. Directing the Board Secretary to make deductions for fees and premiums for hospital service and group insurance plans and United States government bonds from salaries of participating employees (N.J.S.A. 18A:16-8).

2. Appointing and fixing the salary and term of a Board Secretary (N.J.S.A. 18A:17-5).

3. Appointing and fixing the salary and term of an Assistant or Acting Board Secretary (N.J.S.A. 18A:17-13).

4. Appointing and fixing the term of a Superintendent of Schools (N.J.S.A. 18A:17-15).

5. Appointing or removing an Assistant Superintendent of Schools (N.J.S.A. 18A:17-16).

6. Appointing and fixing the term of an Administrative Principal (N.J.S.A. 18A:20-5).

7. Appointing or removing a shared Superintendent or shared School Business Administrator (N.J.S.A. 18A:17-24.3).

8. Appointing or removing and fixing the salary of a Business Manager in a Type I school district (N.J.S.A. 18A:17-25).

9. Appointing an executive Superintendent in district in cities of the first class with a population over 325,000 (N.J.S.A. 18A:17A-1).

10. Disposing of lands owned by the board, or rights or interests therein (N.J.S.A. 18A: 20-5).

11. Exchanging lands owned by the board (N.J.S.A. 18A: 20-8).

12. Adopting a budget in Type II districts having a Board of School Estimate (N.J.S.A. 18A:22-26).

13. Fixing and determining the amount of money to be voted upon by the voters of the district at or after the public hearing on the school budget for Type II districts without a Board of School Estimate (N.J.S.A. 18A:22-32).

14. Adopting the question(s) to be submitted to the voters concerning any capital project(s) to be paid for from the proceeds of an issue of bonds in Type II districts without a Board of School Estimate (N.J.S.A. 18A:22-39).

15. Adopting a proposal for the issuance of school bonds by Type II districts having a Board of School Estimate (N.J.S.A. 18A:24-10b).

16. Transferring a teaching staff member (N.J.S.A. 18A:25-1).

17. Restoring or removing an Assistance Superintendent, Principal, or teacher, following suspension by the Superintendent of Schools (N.J.S.A. 18A:25-6).

18. Appointing a teaching staff member (N.J.S.A. 18A:27-1).

19. Appointing, transferring, removing or renewing the employment contract of a certificated or non-certificated officer or employee (N.J.S.A. 18A:27-4.1).

20. Withholding, for inefficiency or other good cause, a prescribed employment or adjustment increment (N.J.S.A. 18A:29-14).

21. Adopting or altering a course of study (N.J.S.A. 18A:33-1).

22. Selecting textbooks (N.J.S.A. 18A:34-1).

23. Applying for membership in an already established county educational audiovisual aids center (N.J.S.A. 18A:51-11).

24. N.J.A.C.6:3-7.1 Applying to the county Superintendent to investigate the advisability of withdrawing from a regional district. *(Note that in this case, the roll call majority vote is required by administrative code provision. However, this requirement is not included in statute).*

25. N.J.A.C.6:19-2.4(b) Approving the content of separate question(s) to be submitted to voters that propose programs in addition to the Core Curriculum Content Standards. *(The roll call majority vote is required by administrative code provision. However, this requirement is not included in the statute).*

The following actions require a recorded roll call vote and must pass by an affirmative vote of <u>two-thirds</u> of the full board.

1. Determining the necessity to sell bonds to raise money for a capital project by a Type II district with a Board of School Estimate (N.J.S.A. 18A:22-27).

2. Permitting the private sale of certain bonds if no legally acceptable bid is received by a Type II district (N.J.S.A. 18A:24-45(c)).

The following actions require an affirmative vote of the majority of the full board. They do not require a roll call vote.

1. Determining the sufficiency of charges to dismiss or reduce the salary of a tenured employee (N.J.S.A. 18A:6-11).

2. Filling of vacancies on elected boards of education (majority of remaining members) (N.J.S.A. 18A:12-15).

3. Removing from office a president or vice president of a board for failure to perform a duty imposed upon him by law (N.J.S.A. 18A:15-2).

4. Appointing, fixing the salary and defining the duties of a school business administrator (N.J.S.A. 18A:17-14.1).

5. Authorizing of purchase of securities (N.J.S.A. 18A:20-37).

6. Authorizing of sale of securities (N.J.S.A. 18A:20-39).

7. Adopting a proposal for the issuance of school bonds in Type II district without a Board of School Estimate (including regional districts) (N.J.S.A. 18A:24-10c).

8. Admitting pupils, who have never attended public or private school, after October 1 following the opening of school for the full term (N.J.S.A. 18A:38-6).

9. Deciding to establish, with other school districts of the county, a county educational audio-visual aids center (N.J.S.A. 18A:51-1).

The following actions require an affirmative vote of two-thirds of the full board. They do not require a roll call vote.

1. Authorization to enter into a contract or agreement after twice advertising for bids pursuant to N.J.S.A. 18A:18A-4, with subsequent failure to receive any bids, and after determination that no public entity can conform with the specification (N.J.S.A. 18A: 18A-5 (c)).

2. Authorization to negotiate, award or enter into a contract or agreement after the board has advertised for bids on two occasions and reflected those bids for appropriate reasons (N.J.S.A. 18A:18A-5(d)).

3. Authorization to negotiate, award or enter into a contract or agreement after the board has solicited and received at least three quotations on material, supplies or equipment for which a State contract has been issued, and the lowest responsible quotation is at least ten percent (10%) less than the cost charges under the State contract (N.J.S.A. 18A:18A-5(e)).

4. Adopting a refunding bond ordinance by a Type II school district (N.J.S.A. 18A:24-61.4).

5. Selling or exchanging refunding bonds (N.J.S.A. 18A:24-61.9).

6. Endorsing approval of a lease purchase and authorizing the chief school administrator and/or board secretary to advertise and solicit proposal in connection with a lease purchase, and to request state approval of a lease purchase in excess of five years N.J.A.C.6:22A-1.2(e). *(Note that in this case, the roll call majority vote is required by administrative code provision. However, this requirement is not include in the statute).*

The following action requires an affirmative vote of three-quarters of the members present. It does not require a roll call vote.

1. Calling an emergency meeting of the board without providing adequate prior notice (N.J.S.A. 10:4-9).

When in doubt or where a question exists concerning the formal requirements of a vote, the board should take action by roll call vote and should consult its board attorney.

Voting Method

Official actions may be taken only at a regular monthly or special 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.

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.)

Lincoln Park Board of Education v. Boonton Board of Education, 97 N.J.A.R. 2d (EDU)___. (May 30)

Little Ferry Board of Education v. Ridgefield Park Board of Education , 97 N.J.A.R. 2d (EDU) ____ (July 24)

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

Key Words

Voting Method, Abstentions