

## POSITIONS AND POLICIES ON EDUCATION

Resignation/Removal from Office

FILE CODE

9114

### Implementation of Recall

- A. **The NJSBA believes** that board members should not be the subject of recall efforts based on the member's lawful exercise of an explicitly delegated constitutional, statutory regulatory obligation or authority;
- B. **The NJSBA believes** that recall efforts should provide procedural and substantive due process for the recall candidate, including but not limited to requiring a recall petition to state the basis of the recall;
- C. **The NJSBA believes** that any recall election that is brought against a board member should be administered by a neutral entity such as the county clerk in order to avoid the appearance of a conflict of interest on the part of any board employee; and
- D. **The NJSBA believes** that any school board member who becomes subject to a recall effort, wherein the recall petition does not assert a criminal or quasi-criminal conviction as a basis for the recall effort, should be entitled to indemnification from the board of education for any cost incurred in any civil, administrative or other legal proceeding opposing the recall election. *[Authority: DA 5/98-11, DA 11/98-SR, DA 11/03-1, DA 11/03-SR, DA 5/08-SR, DA 5/13-SR]*

### Board Member Removal

- A. **The NJSBA believes** that whenever an elected or appointed member of any board of education ceases to reside in the local or constituent district, or shall become mayor or a member of the governing body of either the local or constituent municipality, his membership in the board should immediately cease.
- B. **The NJSBA believes** that whenever an elected or appointed member of a county special services or county vocational school district ceases to be a resident of the district or takes office as a member of the governing body of a county, his membership on the board should immediately cease.
- C. **The NJSBA believes** that any member who fails to attend three consecutive public meetings of the board without good cause may be removed by it. Boards of education should also be authorized to remove board members who, without good cause, during any year of their elective term, fail to attend two-thirds of the board's public meetings as defined by the Open Public Meetings Act.
- D. **The NJSBA believes**, that whenever a member of a board of education is disqualified as a voter or is convicted of false swearing, his membership on the board should immediately cease. *[Authority: DA 5/98-11, DA 11/98-SR DA 11/03-1, DA 11/03-SR, DA 5/08-SR, DA 5/13-SR]*

**Cross References:**    9271    Code of ethics  
                             9322    Public and executive sessions