



New Jersey School Boards Association

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AD HOC COMMITTEE TO REVIEW NJSBA BYLAWS 2019

**By
President Daniel Sinclair**

**Prepared for the Annual Delegate Assembly
May 18, 2019**

Charge to the Ad Hoc Committee

The Ad Hoc Committee's charge is to review NJSBA's *Bylaws* for any changes deemed necessary in terms of the needs of NJSBA's membership and the efficient and orderly operation of the Association's governance structure. The Committee recommended the amendments set forth below to the Board of Directors, which approved them. The Board of Directors recommends that the Delegate Assembly approve these recommendations for adoption at the May 18, 2019 Delegate Assembly. GO/8600.

Background

A. Resolution Process

Resolution cutoff date The *Bylaws* require that NJSBA receive resolutions and bylaw amendments no later than 75 days before the Delegate Assembly (DA). *NJSBA Bylaws, Art. V Sec. 7.* When scheduling the November DA, NJSBA must take into consideration the Thanksgiving holiday, which historically places the date to receive resolutions and bylaw amendments on the Tuesday after Labor Day. Occasionally the spring deadline runs up against Easter or Passover.

The 75 day deadline is intended to “promote an orderly and democratic process for delegate action and to ensure that proper research be conducted prior to delegate action so that the delegates shall have as much pertinent information available as possible to aid them in their decisions.” *NJSBA Bylaws, Art. V Sec. 1.*

The Committee considered shortening the deadline to allow more opportunity for members to submit resolutions/bylaws amendments before the cut-off date, and avoiding the Labor Day holiday, in particular, which may cause many boards to miss the cut-off date. Staff reviewed the reasonableness of reducing the cut-off date against properly researching the resolutions/bylaws submitted, as well as the scheduling of the Resolutions Subcommittee meeting to review all submissions for the DA agenda. After review and discussion, the Committee recommends amending and reducing the cut-off date to 65 days.

Reinstatement of resolutions removed from agenda. Subsequent to the Resolution Subcommittee's removal of a resolution from the DA agenda, the current Bylaw allows a delegate, on the DA floor and by a simple majority, to move to overrule the Resolutions Subcommittee and return a resolution removed from the agenda. *Art. V, Sec. 6*. This process doesn't promote an orderly and reasoned deliberation as stated in the Purpose of the Procedures. The Committee considered requiring adequate notice to return a resolution to the DA agenda and aligning such notice with the bylaw provision regarding submission of emergency resolutions, which requires ten days' notice prior to the DA. Therefore, a delegate wishing to return a resolution to the DA, over the recommendation of the Resolutions Subcommittee, would be required to provide adequate notice to the assembly.

The Committee determined that this was not a burden on the delegate that sought to return a resolution to the DA agenda, and would provide the association with the necessary time to prepare materials for consideration by the delegates in the event the motion was made.

B. Officer Qualifications

Art. VII Sec. 2a states that if an officer's board hasn't paid its annual dues by September 30th, the Board of Directors may, by a two-thirds vote, extend the payment date to the October meeting. The provision applying to board of directors' members allows for an extension to the next following board of directors meeting. *Art. VI Sec. 2a*. This inconsistency isn't intentional. The Committee recommends amending *Art. VII Sec. 2c* with the provision applicable to board of director members.

C. Committees

UBC definition The bylaw provision references the state designation of an "Urban Board" as directed by a formula used by the NJ Department of Community Affairs and Department of Education. *Art. X Sec. 6a*. The departments have not used a formula for several years. The State of New Jersey designates urban areas. The Committee recommends amending the bylaw to reflect that urban areas are designated by the state.

Number of committee members Staff advised the Committee that it is increasingly difficult to secure a quorum for committees that exceed nine members. The following standing committees exceed nine members: School Finance: eleven; Special Education: nine-12; and Standards and Assessment: nine-12. The Committee recommends amending the membership of these committees to nine members each, and asking the Board of Directors to approve a new policy to designate up to three alternates per committee.

School Finance Committee Membership on the SFC also refers to "District Factor Groups" or DFG. This designation has fallen out of use. The bylaws shouldn't be aligned with readily changeable terms. The intent of this reference is to assure that the committee reflects the membership's diversity and the varying socio-economic factors found in member districts. The Committee recommends amending this reference.

Recommended Bylaw Amendments:

5 **GOVERNANCE & OPERATIONS**

FILE CODE: GO/9207

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8 **BYLAWS**
9 **RESOLUTIONS**

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11 Procedures
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- 14 A. Timing: Resolutions and bylaw amendments to be considered at either regular or special meetings of
15 the delegates shall be received at the Association office no later than **[75] 65** days prior to the
16 meeting. At least 90 days before the foregoing date, the executive director shall make known to all
17 district boards of education the last date for submitting resolutions and bylaw amendments.
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- 19 B. Form of Resolutions: The executive director shall make available to all district boards of education
20 resolution forms. These forms shall set forth the proper resolution format.
21
- 22 C. Emergency Resolutions: The Emergency Resolutions Subcommittee shall review all resolutions
23 submitted by a duly authorized body after the cutoff date and no later than 10 days prior to the
24 Delegate Assembly, and shall accept for agenda placement all emergency resolutions which it
25 determines are of such urgency and importance that they merit consideration by the delegates.
26 Resolutions not accepted for placement on the agenda by the Emergency Resolutions Subcommittee
27 shall be referred to the Resolutions Subcommittee for review prior to the next delegates meeting in
28 accordance with these bylaws. Emergency resolutions that are placed on the resolutions agenda shall
29 be acted upon by the delegates prior to consideration of regular resolutions in the order determined by
30 the Emergency Resolutions Subcommittee. Copies of emergency resolutions that are placed on the
31 resolutions agenda shall be mailed to all district boards of education. Decisions of the Emergency
32 Resolutions Subcommittee with respect to placement of emergency resolutions on the resolutions
33 agenda are specifically not subject to override as outlined in Section 6 of this article.
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35 The Chairperson of the Emergency Resolutions Subcommittee shall deliver a report at each delegates
36 meeting. The report shall include:

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- 38 (1) A complete statement of all emergency resolutions received by the subcommittee;
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 - 40 (2) A complete statement of all action taken by the subcommittee and the reasons therefore;
 - 41
 - 42 (3) Background information on each emergency resolution which is to be presented to the
43 delegates meeting for action; and
 - 44
 - 45 (4) Recommendations for action on the emergency resolutions which are presented to the
46 delegates meeting. However, the Emergency Resolutions Subcommittee shall not review the
47 recommendation of emergency resolutions submitted by the Board of Directors.
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49 Article V, Section 7

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51 Authority: DA 5/13-CR (NJSBA Governance)
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3 **N E W J E R S E Y S C H O O L B O A R D S A S S O C I A T I O N**

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5 **GOVERNANCE & OPERATIONS**

FILE CODE: GO/9206

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8 BYLAWS
9 RESOLUTIONS

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12 Override of Resolutions Subcommittee
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14 Action taken by the Resolutions Subcommittee pursuant to Section 5 of this article may be overridden
15 upon motion and affirmative majority vote of the delegates assembled **provided that notice of intent to**
16 **make a motion to override the Resolutions Subcommittee is received at the Association office no**
17 **later than 10 days prior to the Delegate Assembly**. The motion to override Resolutions Subcommittee
18 action may be made only during the time set forth in the meeting agenda, which shall be after the
19 consideration of emergency resolutions and prior to delegate action on regular resolutions. The motion to
20 override must state specifically the remedy sought by the moving party. The motion to override action
21 taken by the Resolutions Subcommittee shall not be subject to debate except that both the maker of the
22 motion and the chairperson of the Resolutions Subcommittee shall be given three minutes to address the
23 delegates concerning the motion.
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27 Article V, Section 6

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6 BYLAWS

7 OFFICERS: QUALIFICATIONS AND ELECTION

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10 Qualifications and Terms of Officers

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13 A. The president and the three vice presidents shall be elected from among the members of the district
14 boards of education in good standing, which boards must be in good standing at the time an
15 individual is nominated for an officer position and at the time he or she takes office. Those officers
16 elected for full two-year terms at a regular election shall hold office until the conclusion of the second
17 annual meeting of the Association succeeding the date of their election, and until their respective
18 successors are elected and shall have qualified.

19
20 In the event that an officer's district board of education fails to pay its dues in accordance with Article
21 IX, Section 1 of these bylaws [by September 30,] the officer's term shall immediately cease and his
22 or her successor shall be selected in accordance with the procedures described in Article VII,
23 Section 7. The Board of Directors, by a two-thirds vote of the members present and voting, may
24 extend this period pursuant to Article VI, Section 2a to the [October] next following Board of
25 Directors meeting.

26
27 B. If any of the foregoing officers shall cease to be a member of a district board of education, his or her
28 term as an officer shall immediately cease and his or her successor shall be selected in accordance
29 with the procedures described in Article VII, Section 7. In the event the president ceases to be a
30 member of his/her district board of education 60 days or less prior to the second annual meeting of
31 the Association succeeding the date of his/her election, subject however to subsection c of this
32 section, he/she shall remain in office until his/her successor is elected.

33
34 C. In the event an officer assumes an elected office as a member of a municipal or county governing
35 body that would, by operation of law, cause his local board membership to immediately cease (i.e.,
36 mayor, town council, county freeholder), his/her term as an officer shall immediately cease upon
37 being sworn in to said elected office. In the event that an officer should be removed, by law, from
38 membership on the local board of education for reasons other than assumption of elected office,
39 his/her term as an officer shall immediately cease upon said removal. In the event that an officer
40 shall accept a position in which there may be an ongoing direct conflict of interest, his or her term as
41 an officer shall immediately cease upon a determination by the Board of Directors that said
42 appointed position constitutes an ongoing direct conflict of interest, which cannot be cured by
43 abstention. A successor shall be elected or appointed according to the procedures outlined in Article
44 VII, Section 7.

45
46 D. The executive director shall be selected by the Board of Directors and need not qualify as a member
47 of a district board of education. The immediate past president need not qualify as a member of a
48 district board of education, but shall be subject to subsection c of this section.

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50 Article VII, Section 2

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52 Authority: DA 6/95-BA 1

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54 Revised: DA 11/10-BA 1

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9 Urban Boards Committee

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- 12 A. There shall be a standing committee of the Association called the Urban Boards Committee. The
13 Urban Boards Committee shall consist of one board member designated by each district, which shall
14 qualify as an urban district as determined by the State of New Jersey [under a formula promulgated
15 by the New Jersey Departments of Community Affairs and Education]. Members shall serve for a
16 one-year term until their successors are named.
- 17
- 18 B. There shall be one alternate for each member, selected in the same manner as the member by the
19 same authority. The alternate shall act for the member in the absence of the member. Any vacancy
20 among the members of the Committee shall be filled for the unexpired term by the urban district. Until
21 such vacancy is filled, the alternate shall serve as member.
- 22
- 23 C. The Urban Boards Committee shall elect a chairperson from among its members who shall serve for
24 a two-year term and until his or her successor is elected. Any vacancy in the chairperson position
25 shall be filled in accordance with the Urban Boards Committee policy and procedures for filling
26 vacancies.
- 27
- 28 D. The Urban Boards Committee shall study the problems of urban school districts. It shall submit a
29 report on such problems at the annual meeting of the delegates and may submit a report at any other
30 regular meeting of the delegates. The Urban Boards Committee may recommend to the Board of
31 Directors additions, modifications or deletions to policy.

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GOVERNANCE & OPERATIONS

FILE CODE: GO/9459

BYLAWS
COMMITTEES

School Finance Committee

- 13 A. There shall be a Standing Committee of the Association called the School Finance Committee
- 14 consisting of nine [11] members appointed annually by the president. The membership of the School
- 15 Finance Committee shall reflect not only the geographical appointment criteria set forth in Article X,
- 16 Section 15: Geographical Areas, but shall also reflect, to the extent possible, a balance of [district
- 17 factor groups] the membership's diversity and socio-economic factors.

- 18 B. The School Finance Committee shall monitor the school funding law in New Jersey and its impact on
- 19 all types of school districts in the state of New Jersey.

- 20 C. The School Finance Committee shall study issues relating to school finance, report periodically to the
- 21 Delegate Assembly and shall recommend additions, modifications, or deletions to policy as needed.

- 22 D. The president shall name one member as chairperson of the School Finance Committee.

- 23 E. The vice president for finance shall serve as an ex officio member of the School Finance Committee.

- 24 F. Vacancies among members of the committee shall be filled for the unexpired term in the same
- 25 manner by which the original appointment was made.

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27 Article X, Section 9

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29 Revised: DA 5/11
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31 Cross Filed: GO/3112
32 GO/3140
33 GO/8461

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2 **N E W J E R S E Y S C H O O L B O A R D S A S S O C I A T I O N**

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4 **GOVERNANCE & OPERATIONS**

FILE CODE: GO/9460

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7 **BYLAWS**
8 **COMMITTEES**

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10 Special Education Committee

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13 A. There shall be a standing committee of the Association, called the Special Education Committee,
14 consisting of nine [to 12] members appointed annually by the president. Membership on the Special
15 Education Committee shall be based upon an expressed interest and demonstrated expertise in
16 special education.
17
18 B. The president shall name one member as chairperson of the Special Education Committee.
19
20 C. Vacancies among members of the Committee shall be filled in the same manner as the original
21 appointment was made.
22
23 D. The Special Education Committee shall prepare and present appropriate testimony on special
24 education issues affecting the delivery of special education services to children in New Jersey and in
25 support of Association policies. The Committee shall report periodically to the Delegate Assembly and
26 may also recommend positions on special education issues for consideration by the Board of
27 Directors.
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30 Article X, Section 10

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2 **N E W J E R S E Y S C H O O L B O A R D S A S S O C I A T I O N**

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4 **GOVERNANCE & OPERATIONS**

FILE CODE: GO/9461

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7 **BYLAWS**
8 **COMMITTEES**

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11 Standards and Assessment Committee
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14 A. There shall be a standing committee of the Association called the Standards and Assessment
15 Committee consisting of nine [to 12] members appointed annually by the president. Membership on
16 the Standards and Assessment Committee shall be based upon an expressed interest and
17 demonstrated expertise in curriculum development and student assessment.
18
19 B. The president shall appoint one member as chairperson of the Standards and Assessment
20 Committee.
21
22 C. Vacancies among members of the committee shall be filled in the same manner as the original
23 appointment was made.
24
25 D. The Standards and Assessment Committee shall monitor the code on New Jersey Core Curriculum
26 Content Standards and the state's assessment program and their impact on all types of districts in the
27 state of New Jersey.
28
29 E. The Standards and Assessment Committee shall study issues relating to the New Jersey Core
30 Curriculum Content Standards and the state assessment program, report periodically to the Delegate
31 Assembly and shall recommend additions, modifications or deletions to policy as needed.
32
33 F. The Standards and Assessment Committee shall prepare and present appropriate testimony on
34 issues involving standards and assessment affecting the delivery of education to and assessment of
35 the children in New Jersey and in support of Association policies. The Committee may also, when
36 necessary and appropriate, recommend positions on standards and assessment issues for
37 consideration by the Board of Directors.
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CHARGE: The Task Force was charged with reviewing NJSBA's *Bylaws* for any changes necessary. The Task Force will issue a report at the conclusion of its work. Depending on the findings, changes to the *Bylaws* may be recommended and referred to the Delegate Assembly for action.