



# New Jersey School Boards Association

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## Board Organization Frequently Asked Questions 2026

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## **I. Newly Elected Board Members**

### **1. When are new board members appointed or elected?**

In Type I school districts, board members are **not** elected, but appointed. The date of appointment depends on whether the district is in a city of the first class. In cities of the first class, defined as those having a population of more than 150,000, board members are appointed during the month of June. In cities other than those of the first class, defined as those having a population of not more than 150,000, board members are appointed between April 1 and April 15. [N.J.S.A. 18A:12-8](#).

Similar to Type I school districts, board members of special services school districts, board members of county vocational school districts, and charter school trustees are also appointed. More specifically, board members of special services school districts are appointed in the month of June, and serve a three year term beginning on July 1. [N.J.S.A. 18A:46-35](#). Board members of county vocational school districts are appointed in the month of October, and serve a four year term with such term expiring on November 1. [N.J.S.A. 18A:54-16](#). Finally, the date of appointment for charter school trustees is set forth in each charter school's charter and bylaws. [N.J.S.A. 18A:36A-11](#).

For Type II school districts, board members **are** elected, and the annual school election shall be held on either the 3rd Tuesday in April or, for those school districts that moved their election pursuant to [P.L. 2011, c. 202](#) or [P.L. 2012, c. 78](#), it shall be held simultaneously with the general election on the 1st Tuesday after the first Monday in November. [N.J.S.A. 19:60-1](#).

### **2. What actions may the outgoing board take between the election and the organization meeting?**

A board is a non-continuous body whose life lasts only from organization to organization. An outgoing board may bind a successor board only when authorized by law, such as where the legislature specifically permits boards to enter into multi-year public contracts, collective bargaining/negotiations agreements, and superintendent contracts that span the lives of several boards. The period of time between election and the organization meeting is generally referred to as "lame duck."

After the voters have elected a new board, the permitted activities of the outgoing "lame duck" board are limited. However, there are, on occasion, matters that the outgoing board must address during the period between election and the organization meeting of the new board. For example, routine actions, such as the approval of purchase orders for goods and services, the filling of known vacancies, or the approval of the use of facilities may be handled by the outgoing board. However, more significant matters, such as the approval, rescission, or

extension of individual contracts, or the awarding of salary increases or increments for the next succeeding school year or following organization *may* be inappropriate. See [Nowak v. Bd. of Ed. of Manville, 1976 S.L.D. 43 \(January 20, 1976\)](#) (holding that the “lame duck” board did not have the statutory authority, immediately prior to the organization meeting, to appoint administrators or other employees to positions in which no known vacancies exist,” or to issue individual employment contracts for the “ensuing school year”); [Georgia v. Suruda, 154 N.J. Super. 439 \(Law Div. Oct. 14, 1977\)](#); [McAllister and Gallagher v. Bd. of Ed. of the Borough of Stone Harbor \(January 23, 2020\)](#); [Gayles v. Hillside Bd. of Ed. \(August 3, 2020\)](#).

Although the length of time between election and the organization meeting is greater for those boards with a November election than it is for those with an April election, municipalities have navigated this two-month “lame duck” period for many years. Therefore, boards are urged to consult with their board attorney to ensure that the outgoing board’s actions do not improperly usurp the authority of the successor board, and can be guided by actions taken by municipalities.

### **3. When are newly elected board members sworn-in?**

Newly elected board members are sworn-in at the board’s annual organization meeting. [N.J.S.A. 18A:10-3](#).

### **4. Must a newly elected board member be present for the organization meeting?**

Although newly elected board members should make every effort to attend the organization meeting, there is no statute or regulation that requires them to be present for the organization meeting.

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## II. Date of Organization

### 5. How often do boards organize?

Annually. [N.J.S.A. 18A:10-3](#).

### 6. On what date must a board organize?

The date of a board's organization meeting depends on the school district type (e.g., Type I or Type II), and when the board's school election took place. [N.J.S.A. 18A:10-3](#).

**Type I Districts (Cities Other than of the First Class)**: The organization meeting shall occur on May 16, or on the following day if May 16 is a Sunday. [N.J.S.A. 18A:10-3\(a\)](#).

**Type I Districts (Cities of the First Class)**: The organization meeting shall occur on July 1.

**Type II Districts (with an April election)**: The organization meeting shall occur on any day from May 1 through May 7. [N.J.S.A. 18A:10-3\(b\)](#).

**Type II Districts (with a November election)**: The organization meeting shall occur on any day from January 1 through January 7. [N.J.S.A. 18A:10-3\(c\)](#).

If any regional board with a November school election fails to organize within the time period prescribed, the executive county superintendent(s) shall appoint a president and vice-president from among the members of the board who will serve until the organization meeting following the next annual election. [N.J.S.A. 18A:13-12](#).

**County Vocational School Districts**: The organization meeting shall occur on November 1 of each year, or on the following day if November 1 is a Sunday. [N.J.S.A. 18A:54-18](#).

**Educational Services Commissions**: Organization occurs on any day of the "first week in June," explained by the [Department of Education](#) to mean the period from June 1 through June 7. [N.J.S.A. 18A:6-54](#).

**County Special Services School Districts**: Organization occurs on any day of the "first two weeks in July," defined by the [Department of Education](#) to mean "any day during the first two weeks of July, excluding Sundays." [N.J.S.A. 18A:46-37](#).

**Charter Schools**: There is no statutory requirement for charter schools to organize at any particular time. Members of charter school boards of trustees should check their charters, bylaws, and policies for organization requirements, if any.

<b>Organization Dates</b>	
Type I School Districts (Cities Other Than of the First Class)	Saturday, May 16, 2026
Type I School Districts (Cities of the First Class)	Wednesday, July 1, 2026
Type II School Districts (April 21, 2026, Election)	between Friday, May 1, 2026, and Thursday, May 7, 2026
Type II School Districts (November 3, 2026, Election)	Between Thursday, January 1, 2026, and Wednesday, January 7, 2026
County Vocational School Districts	Monday, November 2, 2026
Educational Services Commissions	Between Monday, June 1, 2026, and Sunday, June 7, 2026
County Special Services School Districts	Between Wednesday, July 1, 2026, and Tuesday, July 14, 2026, but excluding Sunday, July 5, 2026, and Sunday, July 12, 2026
Charter Schools	No statutory deadline (refer to the charter school's charter and bylaws)

## **7. What time must the organization meeting take place?**

The organization meeting shall be held not later than 8:00 p.m. on the [date](#) scheduled. [N.J.S.A. 18A:10-3](#). However, if a quorum is not present at the time the meeting is called, the meeting may be recessed until 9:00 p.m. If a quorum is not present by 9:00 p.m., the meeting may be adjourned and reconvened no later than 8:00 p.m. another day, but not later than seven days after the originally scheduled organization meeting. [N.J.S.A. 18A:10-6](#).

If an organization meeting needs to be rescheduled, the board's attorney should advise whether it needs to be re-advertised in accordance with the Open Public Meetings Act. [N.J.S.A. 10:4-8](#); [N.J.S.A. 10:4-9](#); [N.J.S.A. 18A:10-3](#); [N.J.S.A. 18A:10-6](#).

## **8. What if the organization meeting cannot take place on the date or in the time period statutorily required?**

If the organization meeting cannot take place on the date required by statute, whether due to lack of quorum or otherwise, the organization meeting must be properly advertised and held within three days thereafter. [N.J.S.A. 18A:10-3](#); [N.J.S.A. 18A:54-18](#).

**9. In a send-receive relationship, when should the sending board organize?**

To the fullest extent possible, the sending board should organize *before* the receiving board. This will allow the sending representative to be chosen by the sending board prior to the receiving board's organization meeting and, therefore, permit the designated sending representative to attend and be a part of the receiving board's organization meeting.

In addition, and in accordance with [N.J.S.A. 18A:38-8.2](#), the sending board is required to designate the representative to serve on the receiving board at the meeting which is "closest in time to the [] organizational meeting of the receiving" board. [N.J.S.A. 18A:38-8.2](#). Once designated, the sending representative shall serve a one-year term which shall begin on the date of the receiving board's organizational meeting. [N.J.S.A. 18A:38-8.2](#).

Boards with send and receive relationships should consult with their board attorneys as to the scheduling of their organizational meetings, and the timing of the designation of the sending representative on the receiving board.

**10. Must the organization meeting be advertised? Who schedules the meeting?**

Yes. The board secretary must give notice that the organization meeting is the first regular meeting of the board. [N.J.S.A. 18A:10-4](#). The organization meeting shall constitute a regular meeting for the purpose of transacting business. [N.J.S.A. 18A:10-5](#).

Of note, the outgoing board has the responsibility to advertise and schedule the organization meeting, and this can be done either through the annual meeting notice or as a special meeting notice. [N.J.S.A. 10:4-9](#); [N.J.S.A. 10:4-8\(d\)](#); [N.J.S.A. 10:4-18](#); [N.J.S.A. 18A:17-7](#).

If the organization meeting was not included as part of the annual meeting notice, [N.J.A.C. 6A:32-3.1](#) discusses the circumstances when the board secretary can schedule a special meeting, including when requested by the board president.

**11. Can boards be sanctioned if they fail to conduct an organization meeting?**

Yes. The Commissioner of Education, or the executive county superintendent with the approval of the Commissioner of Education, may direct that state funds be withheld from districts that fail to comply with the law regarding organization. [N.J.S.A. 18A:55-2](#).

**12. Can a board meeting, other than the organization meeting, be scheduled during the period of January 1 through January 7 (for November election districts), or during the period of May 1 through May 7 (for April election districts)?**

*Unless* a meeting is needed in order to deal with a matter “a matter of such urgency and importance as set forth in” [N.J.S.A. 10:4-9](#), a board shall *not* conduct a meeting, except for the organization meeting, between January 1 through January 7 (for November election districts), and between May 1 through May 7 (for April election districts). [N.J.S.A. 18A:10-3](#).

If a meeting, other than the organization meeting, is needed in these exceptional circumstances, then the board shall ensure that all newly elected board members are sworn into office prior to conducting business. [N.J.S.A. 18A:10-3](#).

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### III. The Oath of Office

#### 13. Who may administer the oath of office for board members?

Board secretaries may administer the oath of office as it relates to matters involving the school district in which they are employed. [N.J.S.A. 18A:17-11](#).

In addition to board secretaries, the oath of office may be administered by the Chief Justice of the Supreme Court or any of the justices or judges of courts of record of this State; masters of the Superior Court; municipal judges; mayors or aldermen of cities, towns or boroughs or commissioners of commission governed municipalities; surrogates, registers of deeds and mortgages, county clerks and their deputies; municipal clerks and clerks of boards of chosen freeholders; sheriffs of any county; members of boards of chosen freeholders; clerks of all courts; notaries public; commissioners of deeds; members of the State Legislature; attorneys-at-law and counsellors-at-law of this State; and certified court reporters. [N.J.S.A. 41:2-1](#).

#### 14. What is required for the oath of office?

When being sworn-in, newly elected board members must:

- Take the following **oath of allegiance**: “I, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey, and that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the authority of the people. So help me God.” [N.J.S.A. 41:1-1](#); [N.J.S.A. 41:1-3](#).
- Take an **oath** that they possess the qualifications of membership prescribed by law; declare that they are not disqualified as a voter; declare that they are not disqualified due to conviction of a crime or offense listed in [N.J.S.A. 18A:12-1](#); and will faithfully discharge the duties of the office. [N.J.S.A. 18A:12-2.1](#).

Instead of an oath as set forth above, a newly elected board member can make a solemn **affirmation** or **declaration** in one of the following forms:

- “I, do solemnly, sincerely and truly declare and affirm”: or
- “I, do declare, in the presence of Almighty God, the witness of the truth of what I say”:

If a newly elected board member chooses an affirmation or declaration in lieu of an oath of allegiance, “the words ‘so help me God’ ... *shall be omitted*.” [N.J.S.A. 41:1-3](#).

Even if a newly elected board member chooses an affirmation or declaration in lieu of an oath



of allegiance, they are still required to take an oath that they possess the qualifications of membership prescribed by law; declare that they are not disqualified as a voter; declare that they are not disqualified due to conviction of a crime or offense listed in [N.J.S.A. 18A:12-1](#); and will faithfully discharge the duties of the office. [N.J.S.A. 18A:12-2.1](#).

**15. Where are oaths of office filed or maintained?**

In a Type I school districts, a written, notarized copy of the oath of office is filed with and maintained by the clerk of the municipality. In all other districts, a written, notarized copy of the oath of office is filed with and maintained by the board secretary. [N.J.S.A. 18A:12-2.1](#).

**16. Must the oath of office be taken in public?**

It depends. The swearing-in of new board members generally takes place at the organization meeting, and the organization meeting is required, pursuant to the requirements of the Open Public Meetings Act, to be held in public. [N.J.S.A. 10:4-6 et seq.](#); [N.J.S.A. 18A:10-6](#). Therefore, for those board members sworn-in at the organization meeting, the oath is taken in public.

For those new board members sworn-in after the organization meeting, the oath of office may be administered in private, provided that (1) a majority of the board is not present and (2) the oath of office is administered by a person authorized by law to do so. [N.J.S.A. 18A:17-11](#); [N.J.S.A. 41:2-17](#).

**17. What happens if a newly elected board member cannot attend the organization meeting?**

If a newly elected board member is unable to attend the organization meeting, they can be sworn-in at the next board meeting, or can be sworn-in by [a duly authorized person](#) after the organization meeting. [N.J.S.A. 18A:17-11](#); [N.J.S.A. 41:2-1](#).

Importantly, a newly elected board member cannot assume or perform any official duties as a board member until they are sworn-in.

**18. Can a newly elected board member be sworn-in *before* the organization meeting?**

No. An individual board member's authority flows from the board's authority as a collective body. The outgoing board has authority for the district and its operations until the new board is sworn into office. Only the newly organized board has the authority to swear in its members.

Thus, it is technically impossible for a newly elected board member to take office prior to the organization meeting. In this way, the outgoing or lame-duck board member has the right to occupy their seat until the organization meeting is called to order.

**19. Can newly elected board members have access to confidential materials after being elected but *prior* to being sworn-in?**

Generally not. Since a person elected to the board – a board member elect – is not an official member of the board until they are sworn-in, a board member elect’s access to information should be limited to publicly available information. [N.J.S.A. 10:4-12\(a\)](#). Once sworn-in, newly elected or appointed board members are entitled to have access to the information, confidential or otherwise, that may be necessary to fulfill their duties and responsibilities, and as permitted by law and applicable board policy(ies) and regulation(s).

However, if the outgoing board believes it is necessary to share confidential information with newly elected board members who have not yet been sworn-in, it is recommended that the consent of the person(s) that is the subject of the confidential information be obtained as it is their privacy interests that are implicated.

Boards are urged to consult with their board attorney prior to sharing confidential information and materials with board members who have not yet been sworn-in.

**20. Can a newly elected board member be sworn-in if they have not received the results of their criminal background check?**

Pursuant to [N.J.S.A. 18A:12-1.2](#), all newly elected and newly appointed board members **shall** undergo a criminal history background check **within 30 days of election or appointment**. The purpose of the criminal history background check is to ensure that all newly elected and newly appointed board members are not disqualified from membership on the board due to a conviction for an offense or crime detailed in [N.J.S.A. 18A:12-1](#).

Newly elected and newly appointed board members who, whether because of previous service as a board member or because of their public school employment, submitted to a criminal history background check after February 21, 2003, already have their fingerprints on file, and only need to submit to an abbreviated background check process. Nonetheless, they are still required to submit to a criminal history background check within 30 days of election or appointment.

The New Jersey Department of Education’s Office of Student Protection has advised that newly elected and newly appointed board members can satisfy the “submission” requirement if the results of their criminal history background checks are pending as of the date of their

organization meeting. Nonetheless, all newly elected and newly appointed board members are strongly encouraged to begin the fingerprint process immediately upon certification of the election results in order to ensure statutory compliance. Of note, merely scheduling an appointment prior to the organization meeting does **not** satisfy the 30-day requirement set forth in [N.J.S.A. 18A:12-1.2](#).

Newly elected and newly appointed board members who are awaiting the results of their criminal history background check, but have provided proof of submission to the investigation – for example, a receipt for payment – *can*, at the time of the organization meeting, submit an affidavit certifying that they have not been charged with or convicted of any of the disqualifying offenses, or publicly swear or affirm that they have not been convicted of any of the disqualifying crimes or offenses set forth in [N.J.S.A. 18A:12-1](#).

Ultimately, however, whether a board will swear-in a newly elected or newly appointed board member before it receives the results of the criminal history background check should be decided in consultation with the board attorney.

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## **IV. Conduct of the Organization Meeting**

### **A. *Running the Meeting***

#### **21. Who runs the organization meeting?**

There is no specific statutory or regulatory guidance on this issue. However, the business administrator or board secretary typically serves as the temporary chairperson, and will open and run the organization meeting. The board may designate a different temporary chairperson from among its membership if it finds that more desirable. Once the board elects its new officers, the newly elected board president will typically run the remainder of the organization meeting.

If your board has adopted Robert's Rules of Order, or has adopted a policy or regulation discussing how the organization meeting will be conducted, the board should rely on those rules, or the applicable policy or regulation.

#### **22. What happens if a majority of the board is newly elected, and the board does not have an incumbent quorum at the start of the meeting?**

Although there is no dispositive statute or regulation addressing this issue, the board secretary commonly opens the organization meeting, and then the newly elected board members are sworn into office. Once the new board members are sworn-in, there is a quorum for the organization meeting. Thereafter, the board's new officers can be elected.

### **B. *Election of Officers***

#### **23. Must a board elect a president and vice-president at the organization meeting?**

Yes. At its organization meeting, a board must elect, from among its membership, a member to serve as president, and a member to serve as vice-president. The president and vice-president shall serve for one year, and until their respective successors are elected and qualified. [N.J.S.A. 18A:15-1.](#)

Some boards have policies that establish eligibility criteria for a board member to be elected as a board officer. For example, some policies state that a board member cannot be elected to serve as an officer until they have served as a board member for at least one year. Boards seeking to include eligibility criteria in their policies should consult with board counsel as such criteria is not required by law.

**24. Does it matter which officer is elected first?**

No. Boards should follow their policies and procedures for election of officers. If a board is deadlocked on the vote for president, it may move to the election of the vice-president and return to the election of the president later (or vice-versa).

**25. What process or procedure do boards use to select their officers?**

Education statutes and regulations do not prescribe the exact process/procedure by which boards must select their officers. However, voting for president and vice-president must be done in public. In addition, when reviewing the board's meeting minutes, the public must be able to discern how each board member voted (and the tally of the vote). [N.J.S.A. 10:4-14](#).

**26. What kinds of processes or procedures can a board use to select their officers?**

Boards have generally used one of two methods to select their officers. In the first method, the board secretary asks each board member to indicate, by either raising their hands or a voice vote, whether they vote in favor of a particular candidate. With the second method, each board member writes their vote on a piece of paper, signs the piece of paper, and then hands it to the board secretary. The board secretary then reads each board member's name and their vote into the record.

It is important for boards to have a policy explaining how officers will be selected. If a policy has not already been adopted, boards should consult with their board attorney on the best way to draft it.

**27. Can a secret ballot be used?**

No! As noted above, the vote for president and vice-president must be done in public, and the public must be able to discern how each board member voted. [N.J.S.A. 10:4-14](#). Therefore, secret ballots cannot be used to select board officers.

**28. Can officers be discussed in closed session, but the formal vote taken in public?**

There is conflicting case law concerning whether the board may assert the "personnel exception" to the Open Public Meetings Act in order to discuss the merits of each candidate for the board's officer positions in closed session. In *MacKenzie v. Princeton Reg. Bd. of Ed.*, the

court ruled that discussions regarding qualifications of current board members for the office of president or vice-president were an evaluation of current public officers and, therefore, could be discussed in closed session under the personnel exception. However, in *Manahan v. Montville Twp. Bd. of Ed.*, the court ruled that a closed session discussion of nominees for president and vice-president violated the Open Public Meetings Act.

Given the contradictory outcomes in *MacKenzie* and *Manahan*, boards are urged to consult with their board attorneys before conducting a closed session discussion of the qualifications of individuals for the position of president and vice-president.

**29. How many votes does a board member need to be elected as president or vice president?**

It depends. Education statutes and regulations are silent as to the vote needed to elect officers. Therefore, the general common law rule applies, and a person needs a majority vote of those present and voting in order to be elected as president or vice president. However, a plurality vote has been permitted when there is more than one candidate for either officer position. A plurality occurs when a particular candidate has the greatest number of votes, but fails to obtain a majority vote. See, [\*Martello v. Bd. of Ed. of Willingboro, 1975 S.L.D. 1025\*](#) (stating that a plurality vote was sufficient to select a vice-president from among three candidates).

It is important for boards to have a policy explaining how officers will be selected, especially when there is more than one candidate for either officer position. If a policy has not already been adopted, boards should consult with their board attorney on the best way to draft it.

**30. What happens if the election of officers results in a tie vote?**

A tie vote is treated as a failure to elect. If the board cannot break the tie at the organization meeting, then, as further discussed below, the officers may be selected by the executive county superintendent.

**31. Does a member have to be at the organization meeting in order to be elected to an officer position?**

No. There is no statutory or regulatory requirement that a board member must be present at the organization meeting in order to be elected as president or vice-president.

**32. May the board adjourn the organization meeting and elect officers at another meeting?**

[N.J.S.A. 18A:15-1](#) requires that the election of officers be completed at the board's organization meeting. An adjournment of the organization meeting, or a reconvening of the organization meeting on another date, could be viewed as a "new" meeting and, therefore a failure to elect officers in violation of [N.J.S.A. 18A:15-1](#). If deemed to be a "new" meeting, the board's officers may, as further discussed below, be selected by the executive county superintendent.

**33. Who selects the president or vice president if the board does not hold an organization meeting, or if the board is unable to decide who will serve as its officers?**

Pursuant to [N.J.S.A. 18A:15-1](#), the executive county superintendent will appoint a president and/or vice-president from among the board's membership if the board fails to hold the organization meeting, or if the board fails to elect a president or vice president at its organization meeting. See [Joly v. Palmieri, Executive County Superintendent \(May 8, 2025\)](#).

**34. How does the executive county superintendent decide who will serve as the board's officers?**

The statute does not set forth a specific procedure; therefore, the executive county superintendent can use any process that they may deem appropriate. In most instances, the executive county superintendent will consult with the board and choose, from among those interested, who will serve as the board's officers. See [Joly v. Palmieri, Executive County Superintendent \(May 8, 2025\)](#).

**35. Can the sending representative vote for the receiving board's officers?**

Yes. Pursuant to [N.J.S.A. 18A:38-8.1](#), sending representatives are eligible to vote on "[a]ny matter concerning governance of the receiving district board, including, but not limited to, the selection of board president or vice-president."

Boards with sending and receiving relationships should consult with their board attorneys on how the election of board officers should be conducted.

## **C. *Business at the Organization Meeting***

### **36. What other business occurs at the organization meeting?**

In addition to swearing-in newly elected board members and electing board officers, there are several actions taken by boards that, although not required to take place at the organization meeting, *may* occur. These actions may include, but are not limited to:

- Adopting the board's policy manual;
- Designating the official bank depository;
- Determining the official newspaper(s) in which future meeting announcements will appear (if not already part of the policy manual);
- Appointing the board's NJSBA delegate from among its members;
- Appointing members to the board's committee(s) (if not a board of the whole); and
- Appointing various personnel/professionals including, but not limited to: an auditor, attorney, and school physician.

If a board takes action to appoint individuals for professional services contracts, note that at least 10 days prior to the board taking action, these individuals must submit disclosure forms indicating the political contributions that they made during the twelve-month period preceding their appointment, unless the contract is awarded pursuant to a "fair and open" process (which includes formal bidding).

Accountability regulations, [N.J.A.C. 6A:23A-5.2](#), also require that professional services contracts be issued in a "deliberative and efficient manner that ensures the school district receives the highest quality services at a fair and competitive price or through a shared service arrangement." Professional services contracts that meet these criteria would include, but are not limited to, "issuance of such contracts through a request for proposals (RFP), based on cost and other specified factors or other comparable process." The accountability regulations limit professional services contracts to "non-recurring or specialized work for which the school district does not possess adequate in-house resources or in-house expertise to conduct." [N.J.A.C. 6A:23A-5.2](#).

Finally, accountability regulations prohibit a board from voting on or awarding a contract of \$17,500.00 or greater to any business entity which, during the preceding one-year period, made a reportable campaign contribution to a board member. [N.J.A.C. 6A:23A-6.3\(a\)\(1\)](#). A board violating the prohibition could potentially lose state aid. [N.J.S.A. 18A:7F-9](#).

There are very few actions which are statutorily required to take place at the board's organization meeting. Before deciding what action(s) to take, boards should consider whether the action is critical at the time of organization, or can wait until another time.



However, the Open Public Meetings Act requires a portion of the organization meeting, and every other public board meeting, to be set aside for public comment. [N.J.S.A. 10:4-12\(a\)](#). During public comment, members of the public may offer public comments/statements on any school district issue that may be of concern to the residents of the district. Boards may determine the duration of public comment, how long members of the public speak, and when during the meeting public comment will take place.

Board members are encouraged to read their board policy and regulation concerning public comment, and to discuss any district-specific questions or concerns with their board attorney.

### **37. How is membership on board committees determined?**

Board policy and regulation should establish how committee membership will be determined; to the extent these resources already exist, they should be reviewed prior to the organization meeting.

Committee membership is usually determined in one of two ways. First, the board president may, as authorized by board policy, unilaterally choose the members of each committee, including who will serve as the chairperson of each committee. Other boards use a survey to gauge board member interest and/or expertise in committee areas, and then the board president will appoint members to committees accordingly. Second, a board may utilize a nomination or voting process to establish committee membership.

In addition to reviewing the relevant board policy and regulation, and/or in the absence of a board policy and regulation, boards should consult with their board attorney on the best way to determine committee composition.

Finally, in order for committees to be as effective as possible, board members should not be appointed to a committee for which they have a conflict. For example, if a board member's spouse is a teacher in the district, they should not be appointed to the negotiations committee.

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## V. Moving the Date of School Elections

### 38. If the annual school election is moved from April to November, or from November to April, how are the terms of board members affected?

If moved from April to November, the term of a currently seated board member would be **extended** until just prior to the organization meeting in the first week of January. ; .

If moved from November to April, the term of a currently seated board member would be **shortened** until just prior to the organization meeting in the first week of May. ; .

### 39. What happens to the terms of existing officers if a district moves the date of its annual school election?

The language in [N.J.S.A. 18A:15-1](#) suggests that the existing officers would continue to serve until new officers are appointed at the board's next organization meeting, which would either be in May (for April school elections) or January (for November school elections). Pursuant to [N.J.S.A. 18A:15-1](#):

At its first regular meeting each board shall organize by electing one of its members as president and another as vice president, who shall serve for one year and until their respective successors are elected and shall qualify, but if the board shall fail to hold said meeting or to elect said officers, as prescribed by this law, the county superintendent shall appoint from among the members of the board a president and vice president.

Given the language in the statute – “and until their respective successors are elected and shall qualify” – the terms of existing officers in districts that move their election from November to April would have their terms shortened, while the terms of existing officers in districts that move their election from April to November would have their terms extended.

If a board moves the date of its annual election, it should consult with their board attorney about the terms of their officers.

**40. If the annual school election is moved from April to November, does a board need to hold an organization meeting in May *in addition to* an organization meeting in January?**

No, there is no statutory obligation to hold an organization meeting in May in addition to the organization meeting that must be held on any day of the first week in January. [N.J.S.A. 18A:10-3\(c\)](#). While an organization meeting in May is not required, the board may need to address a number of items prior to the start of the next school year, and certainly prior to its organization meeting in January.

**Governance issues:** As a board is a non-continuous body, and its life lasts from organization to organization, the governance structure of the board would continue as-is until the board organizes again in January, and it does *not* appear that additional action/votes would be required for, among other things: the designation of board committees, chairs and assignments; the adoption of Roberts Rules of Order as the board's official parliamentary procedure manual; designation of the board's official newspaper; and other aspects of board governance structure. The resolution adopting the board's policy manual would remain in effect until the board's next organization meeting in January.

**Contracts:** There may be contractual items set to expire at the end of June that would typically be addressed by the board at its May organization meeting, and the board will need to consider how to handle those matters, e.g., by extending the expiration date of these contracts to coincide with the date of the January organization meeting. Other contracts might need to remain on a school year or fiscal year cycle.

Other contracts, such as professional services contracts (e.g., for the board attorney and auditor) are fixed by law for a prescribed period of time, and may not be extended beyond a year. [N.J.S.A. 18A:18A-42](#); [N.J.S.A. 18A:18A-5\(a\)\(1\)](#). For professional services contracts expiring at the end of June or during the summer, a board may consider renewing the contract(s) for a term that is shorter than a year (e.g., 6 months) so that its expiration date coincides with the date of the January organization meeting, or keeping the contract on a school year or fiscal year cycle.

It would appear that contractual items that are administratively aligned with the budgetary, fiscal or academic year would be best established with a July 1 to June 30 timeframe. Items that are more aligned with board governance would be best set with a timeframe aligned to the organizational schedule of the board.

**Other business:** There are a number of other business items that a board may need to address before its next organization meeting in January including, without limitation: staff appointments and other staffing decisions; the adoption of a new schedule of meetings for the time period up to and including the January organization meeting; and the establishment, by board resolution, of a maximum travel expenditure amount for the budget year.

When the date of the annual school election is moved from April to November, boards should consult with their board attorney about the various issues they may encounter until the January organization meeting.

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## VI. Resources and Guidance

### 41. Does NJSBA have other sample organization documents and resources?

Yes! Sample organization documents and resolutions can be found on [NJSBA's website](#).

### 42. What other information and resources are available to boards?

#### NJSBA's Field Services Team

- Provides direct, on-site services to boards including, without limitation: superintendent searches; goal setting; strategic planning; board governance; focus group facilitation; and in-district workshops.

#### NJSBA's Legal Team

- Provides training, legal information and research, and lead NJSBA's participation as a "friend of the court" in cases of statewide significance.

#### NJSBA's Labor Relations Team

- Provides resources, training and advice to help your district meet its labor relations challenges, including negotiations strategy, salary guide development and responding to union activities.

#### NJSBA's Policy Team

- Provides resources and direct assistance to boards in developing policies and regulations that meet state and federal requirements, and which reflect their beliefs in education.

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