

# Hunterdon County Clerk's Office

71 MAIN STREET, HALL OF RECORDS BLDG.  
PO BOX 2900  
FLEMINGTON, N.J. 08822-2900



LISA MENA  
DEPUTY COUNTY CLERK  
908-788-1378

CLERK'S OFFICE GENERAL  
908-788-1221

LINDA MARTORANO  
ASSISTANT DEPUTY  
COUNTY CLERK  
908-788-1217

FAX  
908-782-4068

MARY H. MELFI  
COUNTY CLERK / REGISTER OF DEEDS  
908-788-1214  
[countyclerk@co.hunterdon.nj.us](mailto:countyclerk@co.hunterdon.nj.us)  
[www.co.hunterdon.nj.us/countyclerk.htm](http://www.co.hunterdon.nj.us/countyclerk.htm)

March 2023

Dear School Board Member Candidate:

Please find all information necessary to file your petition as a candidate for School Board Member in the Annual School Election which will be held on Tuesday, November 7, 2023. The Petition is due in my office no later than 4 pm, Monday, July 31, 2023. Petitions may be filed during normal business hours Monday-Friday from 8:00am-4:00pm until the filing deadline of 4pm on Monday, July 31<sup>st</sup>. Please check our office for any additional hours. Notary services are available on-site at no charge to notarize your petition if needed.

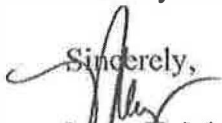
Included in packet:

- The Nominating Petition
- N.J.S.A. 19:60-9 Bracketing of Candidates
- Key School Board Dates
- New Jersey School Board Association Information
- Campaign Reporting Requirements

Please feel free to contact me at (908)788-1214 or via email at [countyclerk@co.hunterdon.nj.us](mailto:countyclerk@co.hunterdon.nj.us). if you have any questions. You may also contact your local Business Administrator..

Thank you for your interest in serving your community.

Sincerely,

  
Mary H. Melfi  
County Clerk

## NOVEMBER SCHOOL ELECTION NOMINATING PETITION

All candidates are required by law to comply with the provisions of "The New Jersey Campaign Contributions and Expenditures Reporting Act," N.J.S.A. 19:44A-1 *et seq.* For further information, please call the Election Law Enforcement Commission, (609) 292-8700.

To: Mary H. Melfi, Hunterdon County Clerk

**NOMINATING STATEMENT:**

We, the undersigned, are qualified voters of \_\_\_\_\_ School District of \_\_\_\_\_ (Municipality) in Hunterdon County, New Jersey.

We hereby endorse the person(s) hereinafter named as candidate(s) for membership on the Board of Education representing (Name of Municipality) \_\_\_\_\_ for the (Full or Unexpired) \_\_\_\_\_ term of (Number of Years) \_\_\_\_\_ years, and we hereby request that the name of said candidate(s) be printed on the official ballot to be used at the ensuing election for the Board of Education to be held during the General Election on November \_\_\_\_, 20\_\_\_\_.

NAME OF CANDIDATE(S)	RESIDENCE AND POST OFFICE ADDRESS	EMAIL

**A. SIGNATORIES:**

(At least ten signatures, one of which may be the candidate's, are required to nominate a candidate.) We, the undersigned petitioners, hereby certify that the said candidate(s) listed above is/are legally qualified under the laws of the State to be elected a member of the \_\_\_\_\_ Board of Education.

	PRINTED NAME	ADDRESS	SIGNATURE
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____
11.	_____	_____	_____
12.	_____	_____	_____

**C. VERIFICATION:**

\_\_\_\_\_ being duly sworn upon his/her oath, deposes and says that he/she satisfies the age, citizenship and in-state residency requirements and that the above petition is signed by each of the signers thereof in his/her own handwriting; that the said signers are, to deponent's best knowledge and belief, legally qualified to vote at the school district election at which the candidate shall be voted for, and that the said petition is prepared and filed in absolute good faith for the sole purpose of endorsing the candidate therein named and placing the candidate's name on the official ballot in order to secure his/her election as a member of the Board of Education.

SWORN OR AFFIRMED AND SUBSCRIBED BEFORE ME THIS \_\_\_\_\_ (Signature of person circulating petition)

\_\_\_\_\_, DAY OF \_\_\_\_\_, 20\_\_\_\_\_, \_\_\_\_\_ NOTARY'S SIGNATURE

**D-1. CANDIDATE'S ACCEPTANCE/OATH OF ALLEGIANCE:** *(Please attach additional copies of this page only for EACH candidate.)*

I, \_\_\_\_\_, the candidate for membership on the Board of Education named in the foregoing petition, do hereby certify that I am qualified to be a member of the \_\_\_\_\_ Board of Education; that I consent to stand as a candidate for election and, if elected, agree to accept and qualify into that office. I further affirm and declare that I am not disqualified as a voter pursuant to *N.J.S.A. 19:4-1*.

I further 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".

SWORN OR AFFIRMED AND SUBSCRIBED BEFORE ME THIS

\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF CANDIDATE

\_\_\_\_\_  
NOTARY'S SIGNATURE

\_\_\_\_\_  
PRINTED OR TYPREWRITTEN NAME OF CANDIDATE

\* No individual is required to swear that part of an oath which states "So help me God" and may instead state "I do solemnly, sincerely and truly declare and affirm."

**D-2. CANDIDATE'S ACCEPTANCE/OATH OF ALLEGIANCE:** *(Please attach additional copies of this page only for EACH candidate.)*

I, \_\_\_\_\_, the candidate for membership on the Board of Education named in the foregoing petition, do hereby certify that I am qualified to be a member of the \_\_\_\_\_ Board of Education; that I consent to stand as a candidate for election and, if elected, agree to accept and qualify into that office. I further affirm and declare that I am not disqualified as a voter pursuant to *N.J.S.A. 19:4-1*.

I further 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".

SWORN OR AFFIRMED AND SUBSCRIBED BEFORE ME THIS

\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF CANDIDATE

\_\_\_\_\_  
NOTARY'S SIGNATURE

\_\_\_\_\_  
PRINTED OR TYPREWRITTEN NAME OF CANDIDATE

\* No individual is required to swear that part of an oath which states "So help me God" and may instead state "I do solemnly, sincerely and truly declare and affirm."

**D-3. CANDIDATE'S ACCEPTANCE/OATH OF ALLEGIANCE:** *(Please attach additional copies of this page only for EACH candidate.)*

I, \_\_\_\_\_, the candidate for membership on the Board of Education named in the foregoing petition, do hereby certify that I am qualified to be a member of the \_\_\_\_\_ Board of Education; that I consent to stand as a candidate for election and, if elected, agree to accept and qualify into that office. I further affirm and declare that I am not disqualified as a voter pursuant to *N.J.S.A. 19:4-1*.

I further 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".

SWORN OR AFFIRMED AND SUBSCRIBED BEFORE ME THIS

\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF CANDIDATE

\_\_\_\_\_  
NOTARY'S SIGNATURE

\_\_\_\_\_  
PRINTED OR TYPREWRITTEN NAME OF CANDIDATE

\* No individual is required to swear that part of an oath which states "So help me God" and may instead state "I do solemnly, sincerely and truly declare and affirm."

**QUALIFICATIONS:**

Candidates filing a nominating petition for board membership must meet the following qualifications:

- He/She is a citizen of the United States of America.
- He/She must be at least 18 (eighteen) years of age to qualify for office.
- He/She must be able to read and write.
- He/She has been a resident of the municipality from which he/she is to be elected for at least one year preceding the date of the election.
- He/She is not disqualified as a voter pursuant to *N.J.S.A. 19:4-1*.
- He/She is not disqualified from membership for the conviction of crimes pursuant to *N.J.S.A. 18A:12-1\**
- He/She is a registered voter in the district.

Within 30 days of election or appointment to the board, a member must undergo a criminal history background investigation through the New Jersey Department of Education.

No board of education member shall be directly or indirectly involved in any contract with, or claim against, the board.

**DESIGNATION: (optional)**

The above candidate(s), having been endorsed for the office mentioned in this petition, does/do hereby request that there be printed opposite his/her/their name(s) on the General Election ballot the following designation. This designation may contain no more than **three words** that convey the principles which the candidate(s) represent(s). The designation must not contain the name, or a derivative or any part thereof used as a noun or an adjective, of any political party that is entitled to participate in a primary election.

.....  
Must not exceed three words

Completed nominating petitions **shall be filed with the County Clerk on or before 4:00 p.m. on the last Monday in July.** The County Clerk's office is located at Hall of Records, 71 Main Street, Flemington, NJ 08822 and the days, dates and business hours during which the office is open to receive petitions are: Monday – Friday 8:00 am to 4:45 pm. Notary services are available.

Received by: \_\_\_\_\_

HUNTERDON COUNTY CLERK/DESIGNEE

At: \_\_\_\_\_  
TIME

\_\_\_\_\_  
DATE

KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

New Jersey Statutes Annotated Title 19. Elections Subtitle 17. Absentee Voting Chapter 60. **School Elections, Generally**

N.J.S.A. 19:60-9

19:60-9. **School** election ballots; form and contents

Effective: May 30, 2018

Currentness

The ballot for a **school** election shall be a single or blanket form of ballot, upon which shall be printed in bold-faced type the words “OFFICIAL **SCHOOL** ELECTION BALLOT” or “OFFICIAL SPECIAL **SCHOOL** ELECTION BALLOT,” as appropriate.

Any public question which is to be submitted to the voters at a **school** election shall be printed in a separate space below or to the right of, as the county clerk shall determine, the listing of **candidates** in the election.

In the columns in which are listed the titles of the offices to be filled at a **school** election and the names of **candidates** for those offices, the title of and the names of **candidates** for the office of member of the regional **board** of education shall appear above the title of and the names of **candidates** for the office of member of the local **board** of education. With respect to either office, in the event that one or more persons are to be elected to membership thereon for a full term and one or more persons are to be elected to membership thereon to fill an unexpired term, the ballots shall designate which of the **candidates** to be voted for is to be elected for a full term and which for an unexpired term. In all cases in which one or more persons are to be elected for an unexpired term, the ballots shall indicate the duration of that unexpired term.

The names of two or more **candidates** for any given term who have notified the secretary of the **board**, or the county clerk if the annual **school** election is to be held in November, in writing that they wish to be bracketed together with their chosen designation, if any, shall appear as a group in the appropriate location on the ballot, depending on whether the **candidates** are to be elected to fill an expired or an unexpired term.

All public questions to be voted upon at a **school** election by the voters of more than one municipality shall be placed first before any question to be voted upon at that election by the voters of a single municipality. When the public question to be voted upon by the voters of a regional **school** district is the amount of money to be raised for the use of the regional **schools** of the district, the amount of money determined to be the constituent municipality’s share thereof may be identified on the ballot pursuant to N.J.S.18A:13-17.

Every county clerk shall have ready for the printer a copy of the contents of official ballots required by law to be printed for use at a **school** election, as follows: in the case of the annual April **school** election, not later than the 17th day preceding that election; in the case of any special **school** election, not later than two business days following receipt by the clerk of official notice of the complete content of the ballot to be voted upon at that election; and in the case of the annual November **school** election, in accordance with the provisions of R.S.19:14-1.

The ballots for an annual **school** election to be held simultaneously with the general election shall be in accordance with the provisions of chapter 14 of Title 19 of the Revised Statutes.

At an annual **school** election held simultaneously with the general election, the names of the **candidates** for the office of member of the **board** of education shall appear on the ballot separately from the names of **candidates** for other offices whenever possible. Any proposals for additional funds pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996, c. 138 (C.18A:7F-5) shall appear on the ballot near the names of the **candidates** for the office of member of the **board** of education whenever possible.

#### Credits

L.1995, c. 278, § 9, eff. March 14, 1996. Amended by L.2001, c. 26, § 2, eff. March 8, 2001; L.2011, c. 202, § 37, eff. Jan. 17, 2012; L.2018, c. 20, § 4, eff. May 30, 2018.

N. J. S. A. 19:60-9, NJ ST 19:60-9

Current with laws through L.2019, c. 270 and J.R. No. 22

End of Document

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HUNTERDON COUNTY  
KEY SCHOOL BOARD ELECTION  
DATES 2023

**\*On or Before Monday, July 31st by 4pm** - Deadline to file petition with County Clerk

**\*On or Before Thursday, August 12th** -Deadline for County Clerk to file determination of objection to a petition

**\*Monday, August 14<sup>th</sup>** - Ballot draw for position-County Clerk's office

**\*Tuesday, August 29<sup>th</sup>** Deadline for a candidate to withdraw from  
Ballot

**\*Tuesday, September 5th**- Deadline to new candidate to file petition for vacancy

Any appointment to a School Board after the 3<sup>rd</sup> Monday in July shall not be required to run for office during that calendar year.

N.J.S.A.18A:12-15 (signed into law 12/27/13)

f. By a majority vote of the remaining members of the board after the vacancy occurs in all other cases.

Each member so appointed shall serve until the organizational meeting following the next annual election unless the member is appointed to fill a vacancy occurring within the 60 days immediately preceding such election if the annual election is held in April, or occurring after the third Monday in July if the election is held in November, to fill a term extending beyond such election, in which case the member shall serve until the organizational meeting following the second annual election next succeeding the occurrence of the vacancy, and any vacancy for the remainder of the term shall be filled at the annual election or the second annual election next succeeding the occurrence of the vacancy. as the case may be.<sup>1</sup>

(cf: P.L.1996, c.153, s.1.)



# New Jersey School Boards Association

## How to Become a School Board Member

**Legislation, (P.L. 2011, c.202), signed by Governor Christie on Jan. 17, 2012 gives communities the option to change the date of the annual school board member election to November. Most communities have changed their Annual School Election from April to November. Please check with your local board of education office to confirm the date of the Annual School Election in your community.**

### Legal Requirements

To become a member of a local board of education in New Jersey, you must—

- Be able to read and write
- Hold U.S. citizenship and one year's residency in the school district
- Be registered to vote in the district before filing the nominating petition
- Have no interest in any contract with, or claim against, the board
- Not hold office as mayor or member of the municipal governing body or, in the case of county school districts, the county governing body
- Not simultaneously hold two elective offices
- Not be disqualified from membership for the conviction of certain crimes. (Within 30 days of election or appointment to the board, a member must undergo a criminal history background investigation through the state Department of Education.)

### Getting Elected to the School Board

School districts that hold an annual election for board of education members are called "Type II" districts. District voters elect school board members for terms of three years. To be included on the ballot, you must:

- Each candidate for election, including incumbents, must complete a nominating petition that includes the signatures of at least 10 qualified voters living within the district (one of which may be your own).
- Adhere to all state requirements to file campaign-expense reports with the New Jersey Election Law Enforcement Commission (ELEC).

You can garner support for your candidacy by communicating your goals and aims for the schools to the electorate.

### Filing Nominating Petitions

Each nominating petition, addressed to the secretary of the board, must state the following:

- That the signers are qualified voters in the school district
- The name, residence and post office address of the candidate and the office for which the candidate is endorsed
- That the signers endorse the candidate and ask that his or her name be printed on the ballot
- That the candidate is legally qualified to be a school board member

The nomination petition also contains a notice advising candidates that they are required to comply with the New Jersey Campaign

Contributions and Expenditures Reporting Act.

The nominating petition includes a section where one of the signers makes a sworn statement verifying that the petition is prepared in good faith, signed by each of the signers in his or her own handwriting, and that he or she believes that the signers are duly qualified voters in the school district. The candidate, if he or she is one of the signers of the petition, may also make the verification.

The nominating petition also includes a section where the candidate must include a signed statement certifying that he or she is qualified to be a school board member, consents to be a candidate, will accept the office if elected, and is not disqualified as a voter.

Nominating petitions must be filed with the county clerk (November election) or the board secretary (April election).

### Reporting of Expenditures

The New Jersey Campaign Contributions and Expenditures Reporting Act requires all school board candidates who receive any contribution (including their own funds), regardless of the amount, to file a Certificate of Organization and Designation of Campaign Treasurer and Depository form with the Election Law Enforcement Commission (ELEC). Candidates may be required to complete other ELEC forms. Deadlines to file various campaign contribution forms are dependent on the district's school board election date.

ELEC is the regulatory agency regarding campaign contributions. Board candidates may contact ELEC or go online to obtain the Compliance Manual for Candidates, which provides full instructions and reporting forms. Questions and requests for information should be directed to ELEC at (609) 292-8700, or visit the ELEC website at [www.elec.state.nj.us](http://www.elec.state.nj.us).

### Campaign Materials

Candidates and committees subject to the New Jersey Campaign Contributions and Expenditures Reporting Act are required to include "Paid for by" language in all campaign materials. "Paid for by" language must include the name and address of the committee, individual or group, and clearly state that the entity financed the communication. Examples of "Paid for by" language may be found in ELEC's Compliance Manual.

### Appointed School Boards

Most school boards in New Jersey are elected. However, some school districts (called "Type I" districts) have board members appointed by the mayor during April or June. Members of county vocational school boards are appointed by the County Board of Chosen Freeholders in October. Most Type I districts have either five or seven members; some have nine members. Appointed board members' terms of office depend on the size of the board.

Steps leading to appointment vary. For example—

# How to Become a School Board Member

- You may indicate your desire and ability to serve on the board to the mayor or to the county freeholders.
- Community organizations may recommend you to the mayor or freeholders.
- Your involvement in other community activities may demonstrate your willingness to assume a leadership role.

## Serving on a School Board

As a member of the board of education, you will be expected to fulfill certain responsibilities, including—

1. Establishing goals for the public schools based on student educational needs, parent and community aspirations, state and federal standards and district financial resources.
2. Developing a philosophy of education that will become the basis for sound decisions that affect the governance of your community's schools.
3. Developing policies to guide the administration in managing the schools; developing bylaws to direct the board in carrying out its governance responsibilities.
4. Developing a community understanding of educational issues and school policies through the maintenance of effective communications systems.
5. Providing adequate financing for the district's present and future needs.
6. Ensuring quality education by providing adequate facilities and equipment.
7. Establishing conditions that enable the administration to recruit and effectively evaluate professional staff.
8. Engaging in board self-evaluation and inservice training programs for the purpose of providing well-informed leadership and sound decision-making.
9. Establishing a process for the board to negotiate in good faith with its employees, while representing community educational goals and financial interests.
10. Abiding by the oath of office for school board members.

### You Should Also:

1. Understand that your responsibility is not to administer the schools, but to work with the board to see that the schools are well run.
2. Understand that education today is extremely complex.
3. Listen to opposing views and be able to defend the board's philosophy and goals.
4. Be willing to invest the hours necessary to meet your responsibilities.
5. Serve out of a sincere desire to benefit the community rather than for personal glory or to carry out personal objectives.
6. Bear in mind that, as a state official, you have a responsibility to all the children in the state, not only to those in the local district.

## About the NJSBA

The New Jersey School Boards Association was established by the state Legislature in 1914 to promote and encourage the best possible public education for every child in New Jersey. Every public board of education is deemed to be a member of the NJSBA by statute.

Association policies are determined by NJSBA's Delegate Assembly, which is made up of school board members selected by their local boards. The Delegate Assembly meets twice a year. Association policy is implemented by the executive director and staff under the guidance of the officers and board of directors. Association committees, composed of interested board members, study particular issues and recommend courses of action to the Delegate Assembly.

Services to boards of education and individual board members include—

- Comprehensive technical assistance and inservice training
- Legislative information, action and liaison
- Consultation, action and information on policy, legal matters, legislation, labor relations, public relations and other school district functions
- A direct services program staffed by experts who offer on-site consultation, assistance and information
- Policy assistance and information
- Publications geared to school board member needs, including *School Leader*, NJSBA's bi-monthly magazine, and *School Board Notes*, New Jersey's weekly online education news report

## For New Board Members

### Required Training

New Jersey law requires that, during the first year of their first term in office, all board of education members complete training in the roles and responsibilities of school board membership. The NJSBA Board Member Academy offers a nationally acclaimed, intensive Orientation Conference that provides training on all areas of school board responsibility. (State law also requires board members to take additional NJSBA training in each of the subsequent two years of their first term in office, as well as within the first year after re-election or reappointment to an additional term.)

Information about these programs is provided through NJSBA's newsletter, *School Board Notes*, online at [www.njsba.org/sbn](http://www.njsba.org/sbn), and through direct mailings to members.

In addition to new and re-elected board member programs, the NJSBA Board Member Academy offers a full curriculum leading to basic and advanced certificates. Programs address topics such as labor relations, leadership skills, effective decision-making, policy-making, budgeting, community relations, school law and legislation.

For information on NJSBA services and training, visit the Association's website at [www.njsba.org](http://www.njsba.org).



# FAQ

## WHAT CANDIDATES WANT TO KNOW ABOUT BEING A SCHOOL BOARD MEMBER

Below are frequently asked questions from school board candidates.

### **What are the main responsibilities of board members?**

The board of education adopts policies under which the school district operates; oversees the budget; approves the curriculum; hires and evaluates the superintendent; represents the public during contract negotiations; and serves as a communications link between the community and the school system. School board members must remember that they have no authority except that which results from participation in decisions of the board during an official meeting. Actions, promises or commitments made by individual board members are without legal basis and have no binding commitment upon the district. Board members should be aware that they are elected to represent the entire district in all matters pertaining to education, and not any one segment.

### **How much time does it take to be a school board member?**

A survey by the National School Boards Association found 63 percent of board members spend 11 to 50 hours a month on board duties – with some dedicating even more time to the position. As a school board member, you will provide oversight of one of the largest operations in your community. By accepting this responsibility, you effectively agree to attend regular and special board meetings, to review the board packet in advance of meetings, and to keep yourself informed about the issues on which you will make decisions.

### **What is the relationship between the board and superintendent?**

The function of the school board is not to run the schools, but to see that they are run effectively. The board establishes school district policy and goals and communicates those goals to the superintendent. The superintendent is accountable to the board, and all other staff members are accountable to the superintendent. Teamwork between the board and superintendent is essential. Board members should look to the superintendent for leadership and guidance on educational procedures.

### **What is the relationship between board members and teachers?**

The board is responsible for adopting the policies, rules and regulations that define the responsibilities of teachers (as well as other school employees), and for approving all employment contracts. Observation and evaluation of teachers is the job of the superintendent and those supervisors to whom he or she delegates the responsibility. The board's role is to set standards, or expectations, in the form of policies that detail the criteria the superintendent should use in recommending and evaluating staff members.

Board members should treat teachers and other staff members with respect, and must always observe the chain of command, recognizing that the appropriate channel for board/staff communications is through the superintendent. Board members should also keep in mind that the board can appoint, transfer or remove employees only upon the recommendation of the superintendent.

### **Who decides how district money is spent?**

The school budget is the district's financial plan, and reflects all program needs. The board's budgeting responsibilities include discussing these needs and setting the parameters for budget development. The superintendent then works with other staff members to draft a budget that meets board goals and student needs, complies with state regulations, and stays within the district's financial resources. The board adopts the budget after a public hearing. After the budget is finalized, the superintendent is responsible for administering it. The board provides financial oversight by signing off on the bill list to approve expenditures throughout the year.

### **Who hires and evaluates a district's superintendent?**

The selection of a superintendent is considered to be one of the most significant decisions a school board makes. A systematic procedure for selection should be used, requiring months of careful planning and well-organized steps in screening the most qualified candidates. In addition, state law requires that boards

evaluate superintendents annually. An effective evaluation process is based on the achievement of specific, agreed-upon goals between the board and the superintendent.

### **When are executive sessions permitted?**

All meetings of the school board are open to the public, except for specific topics that may be discussed in "executive," or closed session. Executive sessions are limited to matters deemed confidential, including matters that by law must remain private, such as student records; pending litigation; topics involving attorney-client privilege; discussion of land purchases; negotiations strategies; and personnel issues.

The purpose of an executive session must be announced prior to going into closed session. Only the specifically announced subject may be discussed. Minutes must be kept and approved at a subsequent meeting, and then released to the public when the need for confidentiality no longer exists.

### **Will I have a say in deciding what is taught and which textbooks are used?**

The board is required by state law to approve courses of study, including all textbooks and materials. The board should ask its administrators to demonstrate how these curriculum materials will help students achieve the state's Core Curriculum Content Standards. The board establishes what will be taught, when and where it will be taught, to whom it will be taught, and with what materials. Administrators and teachers manage and carry out the instructional tasks.

Since the decision-making authority is vested in the board and not in the individual members, you will be successful in achieving your personal goals only if you can convince a majority of the members of the board that your proposals have merit. As a board member, you have an obligation to express your views and then to accept and support the board's final decisions.

### **Will I be involved in collective bargaining with employee unions?**

Since 1968, school districts have been required to negotiate contracts with their employee unions. A board member may be directly involved in collective bargaining if he or she serves on the negotiations committee. The board sets the guidelines used by the district's bargaining representative (a committee of the board, or a professional negotiator), who regularly reports to and takes direction from the board. Board members participate in negotiations and vote on the final agreement, unless a conflict of interest prevents the board member from participating or voting.

### **How can a board remove poor employees? What is tenure?**

State laws, union contracts and local district policies spell out employment, discipline and release procedures for all employees. The local school district's administration and board follow these procedures.

New Jersey's education tenure laws are particularly significant. Tenure is the right of certain employees to continuing employment after working in the district for an established period of time. Traditionally, teachers have earned tenure after three years and a day, but a new law enacted on August 6, 2012, the TEACHNJ Act, adds a fourth year for teachers who were hired after the law's enactment. The new law requires enhanced evaluation procedures and requires that teachers meet additional criteria in order to earn tenure. It also reduces the time and cost of removing tenured teachers for reasons such as inefficiency or unbecoming conduct. After a local board files "tenure charges" to remove an employee, under the new law tenure charges will be decided by an arbitrator, not the Commissioner of Education as in the past. (It is important to note that since September 1991, newly hired superintendents are no longer eligible for tenure, but work under a negotiated three-to-five-year contract. During the contract, superintendents have tenure protection.)



# New Jersey School Boards Association

## Requirements of the NJ School Ethics Act

### ATTENTION PROSPECTIVE SCHOOL BOARD CANDIDATES

Legislation, (P.L. 2011, c.202), signed by Governor Christie on Jan. 17, 2012 gives communities the option to change the date of the annual school board member election to November. Most communities have changed their Annual School Election from April to November. Please check with your local board of education office to confirm the date of the 2014 Annual School Election in your community.

The New Jersey **School Ethics Act** (N.J.S.A 18A:12-21 to 18A:12-33) requires local board of education members to

- File disclosure statements
- Avoid prohibited conduct
- Adhere to the Code of Ethics
- Undergo training in the responsibilities of school board membership

New Jersey administrative regulations (N.J.A.C. 6A:28-1 *et seq* and N.J.A.C. 6A:32-3.2) clarify school board members' responsibilities under the School Ethics Act. The basic requirements, as stated in the Act, are listed below.

#### DISCLOSURE

Each year by April 30 (or within 30 days after taking office), school officials, including board members, must disclose sources of income and the employment or contractual relationship of relatives with the school district. The disclosure statements are public records, kept by the executive county superintendent and the local school board secretary. The School Ethics Commission has access to the disclosure statements through the county office.

#### FINANCIAL DISCLOSURE

The Act's financial disclosure provisions require the reporting of only *sources* of income above a certain amount, but not the actual dollar amounts. Board members must report the sources of income for themselves and the members of their immediate families (spouse, and dependent children living in their household).

The financial disclosure statement must include—

- Sources of income exceeding \$2,000 for each family member during the prior calendar year. (Interest or securities income need not be reported unless the family member retains more than 10% of the ownership or control of the financial institution or business organization.)
- Sources of fees and honoraria earned by each family member during the prior calendar year, which totaled more than \$250 from a single source. (Fees and honoraria are payments for such services as personal appearances, speeches or writing.)
- Sources of gifts, reimbursements or prepaid expenses valued at more than \$250 from a single source that were received by each family member during the prior calendar year. (Gifts from relatives need not be reported. Relatives include spouse, children, parents or siblings of the board member.)
- Names and addresses of all business organizations in which

the board member or a member of his or her immediate family had an interest during the prior calendar year. (Interest in a business is defined as ownership or control of more than 10 percent of the profits, assets or stock of the business.)

#### PERSONAL/RELATIVE DISCLOSURE

The law also requires board members to disclose the following:

- The name and position of any relative (spouse, child, parent, sibling) or person related to the board member by marriage and employed by the school district in which the board member serves.
- The nature of any contract between the district and the board member or his or her relative or person related to the board member by marriage.
- The name of any business that has a contract with the school board and with which the board member or relative has one of the following relationships: (1) The board member or relative is employed by the business; or (2) The board member or relative receives compensation from the business; or (3) The board member or relative has an interest in the business. (Interest in a business is defined as ownership or control of more than 10 percent of the profits, assets or stock.)

#### PROHIBITED CONDUCT

The School Ethics Act also establishes ethical standards of conduct which serve as guidelines for the activities of school officials, including school board members. The standards are summarized below:

- a. School officials or immediate family members cannot have an interest in any business, or engage in any business, transaction or professional activity that is in substantial conflict with school officials' duties.
- b. School officials cannot use or attempt to use their positions to obtain unwarranted privileges, advantages or employment for themselves or anyone else.
- c. School officials must excuse themselves from any matter in which their objectivity might reasonably be expected to be impaired because of the financial involvement of themselves, an immediate family member, or a business in which they have an interest. School officials must also excuse themselves from any matter where they have a personal involvement that is or creates a benefit to the school official or an immediate family member.
- d. No school official shall engage in any employment or service,

whether compensated or not, which might reasonably be expected to prejudice his or her independence of judgment in the exercise of official duties.

- e. No school official may solicit or accept anything of value if given or offered for the purpose of influencing his or her official actions. This provision also applies to the official's immediate family members and to business organizations in which he or she has an interest. School officials, however, can solicit and accept campaign contributions if they reasonably believe the contributions are not given to influence their official actions.
- f. School officials cannot use or allow the use of their public office or any confidential information for personal financial gain or for the financial gain of either an immediate family member or business with which he or she is associated.
- g. A school official or business organization in which he or she has an interest cannot represent anyone other than the board in any matter pending before the board or involving the board. Labor union representational responsibilities are permitted.
- h. If a school official is a member of a particular group, he or she can vote on a matter that benefits that group so long as he or she is not benefited to a greater extent than other members of that group.
- i. An elected board member can request information for a constituent so long as there is no remuneration attached to the board member or the board member's immediate family.
- j. School officials and immediate family members may represent themselves in any proceeding in the school district that involves their personal (family) interests. (For example, this provision would permit a board member, acting as a parent, to contest his or her child's academic grade or discipline.)

## CODE OF ETHICS

In addition, the School Ethics Act requires school board members to abide by the following Code of Ethics for School Board Members:

- a. I will uphold and enforce all laws, rules and regulations of the State Board of Education and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.
- b. I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools that meet the individual needs of all children regardless of their ability, race, creed, sex, or social standing.
- c. I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after

the board has consulted those who will be affected by them.

- d. I will carry out my responsibility, not to administer the schools, but together with my fellow board members, to see that they are well run.
- e. I will recognize that authority rests with the board of education and will make no personal promises nor take any private action that may compromise the board.
- f. I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.
- g. I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its schools.
- h. I will vote to appoint the best-qualified personnel available after consideration of the recommendation of the chief administrative officer.
- i. I will support and protect school personnel in proper performance of their duties.
- j. I will refer all complaints to the chief administrative officer and will act on the complaints at public meetings only after failure of an administrative solution.

## TRAINING

The School Ethics Act requires all school board members to complete a training program conducted by the New Jersey School Boards Association on the skills and knowledge needed to serve as a board member. The School Ethics Act requires the training to be completed during the first year of the board member's first term in office and to include information regarding the New Jersey Quality Single Accountability Continuum (NJQSAC). Additionally, board members must attend training on school governance in each of the subsequent two years of the board member's first term in office, as well as an advanced training program on relevant changes to New Jersey school law within the first year of a board member's re-election or reappointment to an additional term. Also a board member must complete a training program on harrasment, intimidation and bullying in the schools, within one year after being newly elected/appointed, or re-elected/reappointed. A board member is required to complete this program only once.

NJSBA provides this training through its Board Member Academy. For details on NJSBA's training programs, go to the "Training and Conferences" section of [www.njsba.org](http://www.njsba.org) or call (888) 88-NJSBA.



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**Campaign Reporting Requirements:  
Contact the Election Law Enforcement Commission (ELEC)**

All candidates for school board office must comply with the provisions of the New Jersey Campaign Contributions and Expenditures Reporting Act. For further information, contact the Election Law Enforcement Commission (ELEC),

Toll free: **1-888-313-3532**

**Website:**

**<https://www.elec.nj.gov/forcandidates/overview.htm>**

**FAX: 1-609-633-9854**