

# BYLAWS

Nutley Public Schools  
Bylaws  
0165 Page 1 of 7  
Voting

## 0165 VOTING

All Board of Education actions requiring a vote may be conducted by voice, show of hands, or roll call provided that the vote of each member is recorded in the minutes of the meeting. Proxy voting shall not be permitted.

Abstentions shall not be counted as votes but shall be recorded; a member who abstains from voting is deemed to acquiesce in the outcome of the vote unless the abstention vote would place the Board member in violation of the School Ethics Act.

All motions shall require for adoption the majority vote of Board members present and voting, except as provided by statutes of the State of New Jersey, this bylaw, or parliamentary authority and provided that the number of affirmative votes is at least a majority of the Board's quorum.

1. The affirmative votes of three-quarters of the members present are required for the conduct of a Board meeting when adequate notice has not been provided in accordance with law, N.J.S.A. 10:4-9;
2. The Board may consider a vote upon all resolutions as a single motion except for those resolutions that the trustees wish to consider separately. Trustees who wish to have a resolution(s) considered separately will ask to state so when the question is asked by the chairperson. All resolutions not placed on hold will be moved, debated and voted on as a package. Then, each resolution placed on hold will be considered separately. The purpose of this procedure is to expedite the business of the Board, while simultaneously protecting the rights of the minority.
3. A two-thirds vote of the full membership of the Board is required for:
  - a. Bids that have been advertised pursuant to N.J.S.A. 18A:18A-4 on two occasions and;
    - (1) No bids have been received on both occasions in response to the advertisement; or
    - (2) The Board of Education has rejected such bids on two occasions because it has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the Board of Education prior to the advertising therefore, or have not been independently arrived at in open competition; or



# BYLAWS

Nutley Public Schools  
Bylaws  
0165 Page 2 of 7  
Voting

(3) On one occasion no bids were received pursuant to #(1) and on one occasion all bids were rejected pursuant to #(2), in whatever sequence; any such contract may then be negotiated.

b. Purchase of goods also available under state contract when the Board has received at least three quotations and the lowest responsible quotation is at least ten percent less than the price under the state contract for the identical goods and quantities, N.J.S.A. 18A:18A-5.e;

c. Determine that it is necessary, in a Type II school district having a Board of School Estimate, to sell bonds to raise money for any capital project, N.J.S.A. 18A:22-27; and

d. Sell bonds of a Type II district without further advertisement at private sale if no legally acceptable bid is received for the bonds pursuant to N.J.S.A. 18A:24-45.

4. A majority vote of the full membership of the Board is required for:

a. Admission after October 1 of a pupil who has never attended school, N.J.S.A. 18A:38-6;

b. Adoption or alteration of a course of study, N.J.S.A. 18A:33-1;

c. Application for membership in an established county audiovisual aid center, N.J.S.A. 18A:51-11;

d. Appointment of a Superintendent, N.J.S.A. 18A:17-15; School Business Administrator, N.J.S.A. 18A:17-14.1; Board Secretary, N.J.S.A. 18A:17-5; Assistant Board Secretary, N.J.S.A. 18A:17-13; Administrative Principals, N.J.S.A. 18A:17-20.5; and Shared Superintendent or School Business Administrator, N.J.S.A. 18A:17-24.3. Appointment and removal of Assistant Superintendent(s), N.J.S.A. 18A:17-16 and appointment, salary, and removal of Business Manager in Type I school district, N.J.S.A. 18A:17-25.

e. Appointment, transfer, removal and/or renewal of teaching/certificated and/or non-certificated staff members, N.J.S.A. 18A:25-1, 27-1;

f. Fix and determine, in a Type II district having no Board of School Estimate, the amount of money to be raised for budgets and capital construction, N.J.S.A. 18A:22-32, 22-39;



# BYLAWS

Nutley Public Schools  
Bylaws  
0165 Page 3 of 7  
Voting

- g. Approval of employee salary deductions for hospital and insurance plans and government bonds, N.J.S.A. 18A:16-8;
  - h. Authorization, in Type II school districts, of school bonds, N.J.S.A. 18A:24-10;
  - i. Decision to establish with other school districts a county audiovisual educational aid center, N.J.S.A. 18A:51-1;
  - j. Determination of sufficiency of charges warranting dismissal or reduction in salary of a tenured employee, N.J.S.A. 18A:6-11;
  - k. Disposition or exchange of lands owned by the Board, N.J.S.A. 18A:20-5, 20-8;
  - l. Purchase of bonds or other obligations as investments, N.J.S.A. 18A:20-37;
  - m. Removal of the President or Vice President of the Board, N.J.S.A. 18A:15-2;
  - n. Restoration or removal following suspension of an Assistant Superintendent, Principal, or teacher, N.J.S.A. 18A:25-6;
  - o. Selection of textbooks, N.J.S.A. 18A:34-1;
  - p. Withholding a salary increment, N.J.S.A. 18A:29-14;
  - q. Direct the Secretary of the Board to deduct salaries of employees to participate in any plan for the purchase of bonds of the United States government, N.J.S.A. 18A:16-8;
  - r. Appointment and salary of Executive Superintendent in district in city of the first class with a population over 325,000 have a unit control organizational structure.
5. A roll call vote of the Board is required for the following actions with the necessary vote as indicated:

Issue	Required Vote
a. Salary deductions for government bonds N.J.S.A. 18A:16-8	Majority of full Board



# BYLAWS

Nutley Public Schools  
Bylaws  
0165 Page 4 of 7  
Voting

- |    |   |  |
|----|---|--|
| b. | Appointment of a secretary of Board of Education; terms; compensation; vacancy<br>N.J.S.A. 18A-17-5 | Majority of full Board                   |
| c. | Assistant and acting secretaries; appointment, powers and duties<br>N.J.S.A. 18A:17-13              | Majority of full Board                   |
| d. | Appointment of Superintendents; terms; apportionment of expense<br>N.J.S.A. 18A:17-15               | Majority of full Board                   |
| e. | Appointment and removal of Assistant Superintendents<br>N.J.S.A. 18A:17-16                          | Majority of full Board                   |
| f. | Appointment of Administrative Principals<br>N.J.S.A. 18A:17-20.5                                    | Majority of full Board                   |
| g. | Appointment of shared Superintendent, School Business Administrator; terms<br>N.J.S.A. 18A:17-24.3  | Majority of the membership of each Board |
| h. | Appointment; salary; removal of Business Managers<br>N.J.S.A. 18A:17-25                             | Majority of full Board                   |



# BYLAWS

Nutley Public Schools  
Bylaws  
0165 Page 5 of 7  
Voting

- |  |   |
|--|---|
| i. Unit control organizational structure; Executive Superintendent<br>N.J.S.A. 18A:17A-1   | Majority of full Board                          |
| j. Disposition of property N.J.S.A 18A:20-5  | Majority of full Board                          |
| k. Exchange of lands<br>N.J.S.A. 18A:20-8  | Majority of full Board                          |
| l. Type II districts with Board of School Estimate; determination; certification and raising of appropriations; notice of appeal<br>N.J.S.A. 18A:22-26 | Majority of full Board                          |
| m. Type II districts with Boards of School Estimate; estimate by Board of Education; certification of estimate N.J.S.A. 18A:22-27                      | Two thirds of full membership of Board          |
| n. Determination of amounts by Board of School Estimate<br>N.J.S.A. 18A:22-31  | Board of School Estimate majority of full Board |
| o. Type II districts without Board of School Estimate;   | Majority of full Board                          |



# BYLAWS

Nutley Public Schools  
Bylaws  
0165 Page 6 of 7  
Voting

determination and  
certification of  
appropriation N.J.S.A.  
18A:22-32

- |   |  |
|---|--|
| p. Type II districts<br>without Board of<br>School Estimate;<br>submission of capital<br>projects N.J.S.A.<br>18A:22-39 | Majority of<br>full Board                    |
| q. School bonds, when<br>deemed to be<br>authorized Type II.<br>N.J.S.A 18A:24-10                                       | Majority of<br>full Board                    |
| r. Private sale if no<br>bids at public sale<br>N.J.S.A. 18A:24-45  | Two thirds of<br>full membership<br>of Board |
| s. Transfer of teaching<br>staff member N.J.S.A.<br>18A:25-1  | Majority of<br>full Board                    |
| t. Suspension of<br>Assistant<br>Superintendents,<br>Principals and<br>teaching staff members<br>N.J.S.A. 18A:25-6      | Majority of<br>membership                    |
| u. Appointment of<br>teaching staff<br>members; vote required<br>N.J.S.A. 18A:27-1                                      | Majority of<br>full Board                    |
| v. Board of Education,<br>procedure for certain   | Majority of<br>full Board                    |



# BYLAWS

Nutley Public Schools  
Bylaws  
0165 Page 7 of 7  
Voting

personnel actions;  
recommendation of  
Chief School  
Administrator  
N.J.S.A. 18A:27-4.1

- |     |   |                                |
|-----|---|--------------------------------|
| w.  | Renewal of personnel<br>N.J.S.A. 18A:27-4.1   | Majority of<br>full Board      |
| x.  | Withholding<br>increments; causes<br>notice of appeals<br>N.J.S.A. 18A:29-14                        | Majority of<br>full Board      |
| y.  | District to furnish<br>suitable facilities;<br>adoption of courses<br>of study N.J.S.A.<br>18A:33-1 | Majority of<br>full Board      |
| z.  | Textbooks; selection;<br>furnished free with<br>supplies;<br>appropriations N.J.S.A.<br>18A:34-1    | Majority of<br>full Board      |
| aa. | Single county<br>educational<br>audiovisual aids<br>center in county<br>N.J.S.A. 18A:51-11          | Majority of<br>full membership |
- bb. Naming or renaming of school requires a two thirds vote of the full membership of the Board.

N.J.S.A. 10:4-14  
Adopted: 3 May 2004  
Reviewed: 25 March 2013

