

A vacancy of the Board of Trustees may occur for any of the events specified in Government Code Section 1770, or by failure to elect. The Board of Trustees shall, within 60 days of the date of the vacancy or the filing of the deferred resignation, either order an election for the next established election day or make a provisional appointment to fill the vacancy. There shall be no election and no appointment if the vacancy occurs within four months of the end of the term of that position (Education Code 5093(a)).

In order to enhance fairness and objectivity in appointing a person to fill a board vacancy, the Board of Trustees shall post notice of the vacancy or deferred resignation in at least three public places in the district, and in appropriate news media, and invite the applications or nominations of any legally qualified citizen of the district who is interested in serving on the board. All those named as possible candidates will receive a letter from the board president with a candidate information sheet to be completed and returned to the board by a specified date. Candidates will be encouraged to seek additional information about the time requirements and responsibilities of board service. After names of candidates are announced, additional input will be accepted for any patron of the district either directly in writing to the president, or at a public meeting. Candidates will be evaluated on the basis of how well they represent the entire community and on their commitment to student welfare. The board may request personal interviews with candidates at a regular or special board meeting. All candidate information sheets will be screened by each board member, with final selection made by majority vote of the board members at a regular board meeting or a special meeting called for the purpose.

After the provisional appointment is made, the Board of Trustees shall, within ten days after the appointment, post notices of the provisional appointment in at least three public places in the district, and publish a notice pursuant to Government Code Section 6061, unless there is no newspaper of general circulation in the district. The posted and published notices shall contain the full name of the appointee, the date of the appointment, and a statement that unless a petition calling for a public election, containing a sufficient number of signatures, is filed in the Office of County Superintendent of Schools within 30 days of the date of the provisional appointment, it shall become an effective appointment.

A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for district board members, whereupon an election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

Legal References:

Education Code

5090	Vacancies
5091	Provisional Appointment
5092	Public Notice of Vacancy and Provisional Appointment
5093	Vacancy Within Four Months of End of Term
5094	Majority of Offices Vacant
5095	Vacant Offices/Remaining Members Have Powers
5200	Districts Governed
5304	Governing Board Duties
5326	Appointment When Not Enough Candidates for Election

Government Code

1770	Vacancies/Public Offices
6061	Publications and Official Advertising; Manner of Publication

Bylaw Adopted:

October 9, 1980

Revised: October 26, 1989

Reviewed: January 1993

References Revised: February 2005

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