

FILLING VACANCIES**Events Causing a Vacancy**

A vacancy on the Governing Board may occur by a failure to elect or for any of the following events:

1. The death of an incumbent.
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term.
3. A Board member's resignation.
4. A Board member's removal from office, including recall.
5. A Board member's ceasing to be an inhabitant of the state or resident of the district.
6. A Board member's absence from the state beyond the period allowed by law without the permission required by law. No Board member shall be absent from the state for more than 60 days, except in any of the following situations:
 - a. Upon business of the school district with the approval of the Board
 - b. With the consent of the Board for an additional period not to exceed a total absence of 90 days
 - c. For federal military deployment not to exceed six months as a member of the armed forces of the United States or the California National Guard. If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members, as necessary to enable the Board to conduct business and discharge its responsibilities.

- d. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board for an additional period not to exceed 30 days.
7. A Board member's ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by sickness or when absent from the state with the permission required by law.
8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties.
9. A Board member's refusal or neglect to file his/her required oath or bond within the time prescribed.
10. The decision of a competent tribunal declaring void a Board member's election or appointment.
11. The making of an order vacating a Board member's office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond.
12. A Board member's commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; in this event, the office shall not be deemed vacant until the order of commitment has become final.

Timelines for Filling a Vacancy

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs less than four months before the end of a Board member's term, the Board shall take no action.
2. When a vacancy occurs four or more months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described below.
3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill.

Provisional Appointments

When the special election described above is not required, the Board may make a provisional appointment. At that time, the Board shall vote to select one of the following two procedures for making the provisional appointment:

Procedure A: The Board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

Procedure B: The Board shall accept nominations for Board membership at a public meeting and shall select the provisional appointee from among these nominees by a majority vote.

In order to serve on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district.

The notice shall contain:

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
2. The full name of the appointee
3. The date of appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent of Schools within 30 days of the provisional appointment, it shall become an effective appointment

The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment.

Adopted: February 28, 2007

(Replaces: BB 9120.1 Board Vacancies)
(Reviewed: April 1977)
(Revised: 1969)