

BYLAWS OF THE BOARD

Filling Vacancies

A vacancy on 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 30 days of the date of the vacancy or the filing of the deferred resignation, either order an election for the next established election day (but not less than 98 days after the occurrence of the vacancy or filed written resignation) or make a provisional appointment to fill the vacancy. (Education Code 5091) There shall be no election and no appointment if the vacancy occurs within four months of the end of the term of that position and the incumbent is not reelected to fill the position. (Education Code 4093(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 from 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 of Trustees 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 the County Superintendent of Schools within 30 days of the date of the provisional appointment, it shall become an effective appointment. (Education Code 5092)

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A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for District Governing 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 Reference on following page)

Legal Reference: Education Code
5012 Declaration candidacy or nomination; withdrawal
5032 Forms (candidacy)
5090 Definition (vacancy)
5091 Special Election of provisional appointment
5092 Public notice of vacancy and provisional appointment
5093 Vacancies occurring near end of term and incumbent not
reelected
5094 Power of president of county board of education when
majority of offices vacant
5095 Powers of remaining board members and new electees or
appointees
5200 Districts Board of Trustees of education
5304 Duties of the Board of Trustees (re school district elections)
5326 Duties of the Board of Trustees (re School district elections)
35107 Eligibility

Government Code
1770 Vacancies: definition

Adopted: November 25, 1986