

AP 2110 Vacancies on the Board

Reference: *Education Code Sections 5090 et seq.; and
Government Code Sections 1770, and 6061*

Date Issued: June 22, 2007

Overview

~~Vacancies on the Board may be caused by any events specified in Government Code Section 1770 or any applicable provision in the Elections Code, or by a failure to elect. Resignations from the Board shall be governed by Education Code 5090.~~

Within 60 days of ~~the~~ a vacancy or filing of a deferred resignation, the Board shall either order an election or make a provisional appointment to fill the vacancy. If an election is ordered, it shall be held on the next regular election date not less than 130 days after the occurrence of the vacancy.

~~If a provisional appointment is made, it shall be subject to the conditions in Education Code 5091. The person appointed to the position shall hold office only until the next regularly scheduled election for district governing board members, when the election shall be held to fill the vacancy for the remainder of the unexpired term.~~

~~The provisional appointment will be made by a majority public vote of the board members at a public meeting.~~

Procedure

~~The District Governing Board must order an election or make a provisional appointment within 60 days of a member's vacancy or filed resignation.~~

If the Governing Board determines that an appointment will be made, the Chancellor shall establish procedures to solicit applications and ensure ample publicity ~~to,~~ and information for ~~r,~~ prospective candidates. Publicity shall include posting in three public places in the District and publication in a newspaper of general circulation.

The posted notice of vacancy shall include directions regarding applications or nominations of legally qualified candidates. Persons applying or nominated must meet the qualifications required by law for members of the Board.

Persons applying for appointment to the Board shall receive a letter from the Chancellor containing information about the District and the Board, and including a candidate information sheet to be completed and returned by a specific date.

The Chancellor will propose a schedule and appointment process, which may include interviews at a public meeting. The Governing Board will act in a public meeting, on the appointment process.

Each Board member will review all candidate information sheets, with final selection made by a majority vote of the Board members at a public meeting called for that purpose.

The appointment is subject to the conditions in the Education Code 5091.

Whenever a provisional appointment is made, the Board shall, within 10 days of the provisional appointment, post notices of both the actual vacancy or the filing of a deferred resignation and the provisional appointment in three public places in the District. It shall also publish a notice in a newspaper of general circulation.

The notice shall state the fact of the vacancy or resignation and the date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation. It shall also contain the full name of the provisional appointee to the board, the date of appointment, and a statement that unless a petition calling for a special 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 provisional appointment confers all powers and duties of a governing board member upon the appointee immediately following his or her appointment.

The appointed individual shall hold office only until the next regularly scheduled District Governing Board election. At this time, the elected individual will fill the vacancy for the remainder of the unexpired term.