

Series	100	Board of Education
Section	130	School Board Legal Status
Policy	133	Filling Board Vacancies

A Board of Education position is deemed vacant upon any one of the following events:

1. Death of the incumbent;
2. Resignation of the incumbent;
3. Removal from office;
4. The incumbent's ceasing to be an inhabitant of the School District for which elected, or continuous absence from the District of a period exceeding sixty (60) days;
5. Conviction by a state or federal court of certain crimes, or conviction of an offense involving a violation of the official oath;
6. The decision of a competent court (1) declaring the Board Member's election void, (2) adjudging the individual incapable of understanding the objective of the elective process, or (3) placing the individual under guardianship (unless the individual is found competent to vote);
7. Failure of the Board Member to take the required official oath or if oath is not taken, to execute and file a required official bond in the manner and in the time required or prescribed by law;
8. The death or declination, in writing, of a person elected or appointed as a Board Member before she/he qualifies or enters upon the duties of the office;
9. The expiration of the term of an elected incumbent; or
10. Any other event which is declared by the other statutes to create a vacancy, i.e. recall, etc.

When a Board Member does decide to terminate his/her service to the District, The Board of Education requests a sixty (60) day notification of intent to resign so that appropriate plans can be made for this exigency.

Appointments to fill a vacancy shall be determined by the Board of Education in conformance with relevant State Statutes. The procedure for filling the vacancy shall be as follows:

ADVERTISEMENT OF VACANCY: The vacancy shall be advertised at least once in the official newspaper, once in appropriate other local newspapers, as applicable, and posted in visible sites throughout the District. A letter of intent (resume is optional) shall be sent to the District Office by the deadline stated in the advertisement.

DESIRED QUALIFICATIONS OF CANDIDATES: To be eligible to serve in public office, an individual must be a qualified elector of the District, i.e., U.S. citizen, 18 years of age or older, and has resided in the District for 10 days before any election (6.02 Stats). Desired qualifications of candidates are, but not limited to, the following:

- a. Desire to serve;
- b. Interest in children;
- c. Involvement with other community efforts;
- d. Ability and willingness to represent the entire community;
- e. Positive attitude toward Board teamwork;
- f. Positive attitude toward Board/Administrative relationship;
- g. Availability for Board duties.

INTERVIEW PROCESS: Board of Education members shall review all applications. After the deadline specified in the advertised notice of vacancy, the Board may interview any of the applicants who in the estimation of the Board would be best qualified to fulfill the duties of the resigned member of the Board. If no applicant is determined to possess the qualities to fulfill the duties of the resigned member, the Board has the option of re-advertising the position or, if in the last year of term, of not filling the position until the next scheduled election.

SELECTION TO BOARD OF EDUCATION: The Board of Education shall appoint one applicant for each vacant position who in its estimation can best carry out the duties of a Board of Education member. The member for whom the vacancy is being filled shall not officially participate in the selection process of his/her successor.

ASSUMPTION OF DUTIES: The individual chosen to fulfill the un-expired term shall assume his/her duties immediately upon filing the official oath of office.

ELECTION: Each appointee to the Board of Education shall hold office until a successor is elected and takes office under s. 120.06(4) or 120.42(2) according to the below listed “Terms of Appointment”:

TERM OF APPOINTMENT

- Each appointee shall hold office until a successor is elected and takes office.
- The newly-appointed Board Member does not necessarily serve for the remainder of the un-expired Board Member’s term.

According to section 17.26(1) of the State Statues, successors shall be elected as follows:

- If a vacancy occurs in the office of a Board Member who is in the last year of his/her term, the successor shall be elected at the next spring election. (This means that the appointee shall hold office until a successor is elected and takes office).
- If a vacancy occurs after the spring election, yet on or before the last Tuesday in November (during the term of a Board Member who’s NOT in the last year of his/her term), then the successor shall be elected at the next spring election. (This means that the appointee shall hold office until a successor is elected and takes office at the next spring election).
- If a vacancy occurs after the last Tuesday in November but on or before the date of the next spring election in the office of a Board Member who is NOT in the last year of his/her term, the successor shall be elected at the second following spring election. (This means that the appointee shall hold office until a successor is elected and takes office at the spring election following the most recent spring election).

Legal References: S. 6.02, 6.03, 17.03, 17.17, 17.26, 120.06(4)(12), 120.42(2) Wis. Stats.

Cross Reference: 133F

Approved: 2/2001

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