

## AP 2110 Vacancies on the Board

### Reference:

*Education Code Section 5090 et seq.;*  
*Government Code Section 1770 and 6061*

When a vacancy occurs on the Board of Trustees, the Board will determine if it will be filled by a provisional appointment or a special election. If the Board determines to fill the vacancy by appointment, the Superintendent/President shall assure that there is ample publicity to and information for prospective candidates. Publicity shall include posting in three public places in the District, publication in a newspaper of general circulation, posting a notice on the District's website. The publication in a newspaper of general circulation, which is required by Government Code Section 6061, is only required to be published once. If there is no newspaper of general circulation published in the District, notice need not be published.

The posted notice of vacancy should contain the following:

1. The fact of the vacancy or resignation;
2. The date the vacancy occurred or the date the deferred resignation was filed, and the effective date of, the resignation; and
3. Relevant information about the provisional appointment process, including timeline to file an application.

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 information from the Office of the Superintendent/President including a candidate information sheet to be completed and returned by a specific date.

The Board may request personal interviews with candidates. Interviews will be conducted in a public hearing scheduled for that purpose.

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.

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, if a newspaper of general circulation is published in the District.

The public notice of vacancy and provisional appointment must contain the following:

- The fact of the vacancy or resignation;
- The date the vacancy occurred or the date the deferred resignation was filed and the effective date of the resignation; and
- The full name of the provisional appointee to the Board and the date of the provisional appointee's appointment.
- 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 thirty (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/her/their appointment.

A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for governing board members. 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.