

Addressing School Board Vacancy Scenarios

If a vacancy occurs, you MUST fill the position and cannot operate with one less board member until the next election. There is only ONE exception: if the resignation happens less than 90 days of the term expiring. (MS 123B.09)

Vacancy that occurs with LESS THAN 90 DAYS left on a term

1. Board member formally resigns. Such resignation must be provided to the district in writing and include the last date the member will be serving.
2. Board declares a vacancy will exist on the date provided by the resigning member.
3. If 90 days or less remain on the term, the board has the OPTION to not fill the position.

NOTE: This is the ONLY time a board does not have to fill a position. If a vacancy happens at any other time, the board MUST fill the position.

Vacancy with LESS THAN 2 YEARS left on the term

Resigning or permanently moving out of the district

1. Board member formally resigns. Such resignation must be provided to the district in writing and include the last date the member will be serving.
2. Board declares a vacancy will exist on the date provided by the resigning member.
3. Board decides on a process to choose who to appoint.
 - a. Board nomination or
 - b. Board application process
4. Board completes process and picks a person to fill the open seat. Nominations are voted on using a roll call vote in the order the candidates were nominated (if following Robert's Rules).
5. Board passes a Resolution Filling a School Board Vacancy by Appointment.
6. Board waits 30 days to allow the public the opportunity to petition against the appointment.
7. Between the appointment date and the end of the 30-day waiting period, appointee signs Acceptance of Office and Oath of Office in front of a notary.

8. At the appointee's first board meeting, appointee may say public oath. This oath is ceremonial and therefore optional. The board member serves the remainder of the term.

NOTE: If moving out of the district temporarily with the intent to return, the member can stay serving on the board. (Example: Storm damage to home/divorce in which the person is temporarily living outside the district.)

Vacancy with MORE THAN 2 YEARS left on the term

Resigning or permanently moving out of the district

1. Board member formally resigns. Such resignation must be provided to the district in writing and include the last date the member will be serving. Questions of when a board member moves out of the district surround when that happens – moving day, closing day, etc. Courts have determined your residence is determined “where you sleep at night.”
2. Board declares a vacancy will exist on the date provided by the resigning member.
3. Board decides on a process to choose who to appoint.
 - a. Board nomination
 - b. Board application process
4. Board begins process for a special election to be held in the calendar year of the resignation. Most will be held in November, but could be held in February, April, May or August if enough notice is given for the special election. NOTE: If the resignation happens within 90 days of a General Election, the special election will be held in the following calendar year.
5. Board completes appointment process and picks a person to fill the open seat. Nominations are voted on using a roll call vote in the order the candidates were nominated (if following Robert's Rules).
6. Board passes a Resolution Filling a School Board Vacancy by Appointment.
7. Board waits 30 days to allow the public the opportunity to petition against the appointment.
8. Between the appointment date and the end of the 30-day waiting period, appointee signs Acceptance of Office and Oath of Office in front of a notary.
9. At the appointee's first board meeting, appointee may say public oath. This oath is ceremonial and therefore optional. The appointed board member serves until a new board member is elected at a special election and “qualifies” for the position. (Turns in campaign finance forms, waits until after contest period is over and signs the legal oath and acceptance of office form.)

NOTE: If moving out of the district temporarily with the intent to return, the member can stay serving on the board. (Example: Storm damage to home/divorce in which the person is temporarily living outside the district.)

Vacancy due to illness or inability to attend meetings for 90 days

1. Board member formally gives temporary resignation. Such resignation must be provided to the district in writing and include the last date the member will be serving.
2. Board declares a temporary vacancy will exist on the date provided by the resigning member.
3. Board decides on a process to choose who to appoint.
 - a. Board nomination
 - b. Board application process
4. Board completes process and picks a person to fill the open seat. Nominations are voted on using a roll call vote in the order the candidates were nominated (if following Robert's Rules).
5. Board passes a Resolution Declaring a School Board Vacancy Caused by Illness or Prolonged Absence to fill the school board vacancy by appointment.
6. Appointed member signs Acceptance of Office and Oath of Office in front of a notary (no 30-day waiting period is needed).
7. At the appointee's first board meeting, appointee may say public oath. This oath is ceremonial and therefore optional. The appointed member serves until the elected member can return to service or their term ends.
8. When the member who has resigned temporarily returns, the board must pass a resolution to reinstate the member.

NOTE: Inability to attend meetings for 90 days or more is usually for people who are ill or those assigned to military duty or a job that takes them temporarily out of the area – anything that temporarily prevents them from attending meetings for that time period or longer.

