

Book	School Board Policies
Section	PRG Series 100: Board Operations
Title	Filling Board Vacancies Policy
Code	133
Status	Draft
Last Revised	January 5, 2022

FILLING BOARD VACANCIES

When a School Board vacancy occurs for any reason, the Board Clerk or a designee (such as the District Administrator) shall directly notify all remaining Board members of the vacancy. If the Clerk is unavailable or if the vacancy is in the Board seat held by the person serving as Clerk, the Treasurer shall ensure that such notice is provided.

During the 60 days immediately following the date on which a vacancy first exists, the Board may fill the vacancy only by an appointment made by a vote of the remaining members of the Board. Accordingly, in relation to any attempt to fill a vacancy during this 60-day period:

- When an actual vacancy arises or is imminent, the Board will meet and either (1) determine a situation-specific process that will be used to address the pending or anticipated vacancy; or (2) for the vacancy in question, expressly direct the implementation of any vacancy-filling procedures that the Board has previously established in the form of a written rule accompanying this policy.
- Any consideration of potential appointees for a vacancy shall occur at one or more properly noticed Board meetings. Such meetings shall be open to the public unless there are reasons for the Board to temporarily convene in closed session to consider specific information that may have an adverse effect upon a candidate's reputation. A standard majority vote shall be required in order to make such an appointment. Pursuant to state law, voting to fill a vacancy by appointment shall be conducted in open session, and secret ballots shall not be used.

If a school board vacancy has not been filled by appointment within 60 days of the date on which the vacancy first exists, the Board will implement the Board-adopted written procedures accompanying this policy that expressly address how vacancies are filled after this 60-day period.

A qualified elector selected to fill a Board vacancy shall not take office unless he/she has taken and filed the oath of office. The oath shall be filed on or before any date or deadline that the Board establishes for the appointee to take office. State law determines the date on which an appointee's term of office expires.

Upon taking and filing the oath, the individual will file a campaign registration statement to the extent required by law.

The District Administrator and Board President shall ensure that each person who fills a vacancy is provided with a basic orientation to the duties and responsibilities of serving as a Board member.

Legal

Wisconsin Statutes Section 120.17(1)
Wisconsin Statutes Section 120.12(28)
Wisconsin Statutes Section 120.06(10)
Wisconsin Statutes Section 120.05(1)(d)
Wisconsin Statutes Section 59.23(2)(s)
Wisconsin Statutes Section 19.01
Wisconsin Statutes Section 17.26
Wisconsin Statutes Section 17.17(5)
Wisconsin Statutes Section 17.035
Wisconsin Statutes Section 17.03
Wisconsin Statutes Section 17.01(13)
Wisconsin Statutes Section 11.0202(1)

Book	Administrative Rules
Section	PRG Series 100: Board Operations
Title	Administrative Rule
Code	133
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FILLING BOARD VACANCIES ADMINISTRATIVE RULE

Vacancies on the School Board shall be filled in accordance with state law and in substantial compliance with the procedural guidelines outlined in this rule.

The following procedures will be used if th Board has chosen option 2 from the corresponding policy.

APPOINTMENT GUIDELINES

During the 60 days immediately following the date on which a vacancy first exists, the Board may fill the vacancy only by an appointment made by a vote of the remaining members of the Board. Any such attempt to fill the vacancy shall be consistent with the following guidelines:

1. The District Administrator, or his/her designee, shall give notice of the vacancy to the public. The notice shall include a deadline for applying to fill the vacancy. The deadline shall be at least 14 days after the date that the notice is first placed on the District website or otherwise first posted or published. There is no statutory mandate to issue a notice soliciting interest in serving as an appointee.
2. Any qualified elector of the District who is interested in filling the vacancy may submit a letter of application (addressing qualifications and interest) to the office of the District Administrator by the date specified in the notice. If no applications are received by the deadline, the Board President may direct the District Administrator to re-issue the solicitation of interest with the deadline extended by up to an additional 14 days. The Board President or District Administrator shall ensure that all Board members are informed of any such extension. The Board may choose at this time to refer to option 1 from the corresponding policy.
3. On or before the date of the Board meeting at which the Board considers the potential appointees, each potential appointee shall also submit a sworn declaration of eligibility to hold the vacant board seat.
4. The Board shall consider all of the identified potential appointees at a properly noticed meeting of the Board. Each potential appointee shall be given an opportunity to make a statement in support of their possible appointment to serve on the Board. The Board may ask questions of one or more of the potential appointees.
5. Unless a majority of the Board approves the use of a roll call or voice vote, the possible selection of an appointee to fill the vacancy will proceed with the use of signed, written ballots. A standard majority of votes cast shall be required to make an appointment, with any vote for "none of the above" counting as a vote cast.

If a vacancy has not been filled by an appointment made within 60 days of the date on which the vacancy first exists, the Board will attempt to fill the vacancy using the following procedure:

1. If a duly-elected successor (i.e., elected at a Spring Election) will be taking office in the seat that is currently vacant within the next 60-day period that follows the initial 60-day period of the vacancy, no other appointee shall serve in the vacant seat in the interim.
2. If the vacancy is not filled by the duly-elected successor in office pursuant to the previous paragraph, then at a regular Board meeting held no later than 45 days after the end of the initial 60-day period of the vacancy, the Board shall attempt to appoint a qualified elector to fill the vacancy by a majority vote. If after 5 rounds of voting the Board still has been unable to fill the vacancy, then the chairperson of the meeting shall declare a deadlock and immediately call for nominations in order to break the deadlock by the random selection of a nominee.
3. A nominee must be a qualified elector who has submitted a sworn declaration of eligibility to fill the vacancy in question and who has not withdrawn from consideration. Each Board member who is present at the meeting may nominate, or support the nomination of, only one nominee.

4. Each nominee, if any, whose nomination is supported by at least 2 Board members (inclusive of the Board member who initially made the nomination) will be included in the random selection process. Any nominee selected as a result of the random process is thereby selected to fill the vacancy.
5. If, for any reason (including the lack of any identified potential appointee), the vacancy is still unfilled 105 days following the date on which the vacancy first existed, then the procedures listed above shall be repeated at regular Board meetings held at approximately monthly intervals until either the vacancy is filled or there are fewer than 60 days before a duly-elected successor will take office in the vacant seat.

For purposes of this policy, a regular Board meeting is any Board meeting that is convened pursuant to lawful authority (e.g., a meeting scheduled by a specific vote of the Board, the regular monthly meeting(s) established by a Board decision or under a Board policy, etc.) other than a meeting that has been scheduled and convened upon the call or request of an individual board member.

Legal

Wisconsin Statutes Section 120.17(1)
Wisconsin Statutes Section 120.12(28)
Wisconsin Statutes Section 120.06(10)
Wisconsin Statutes Section 120.05(1)(d)
Wisconsin Statutes Section 59.23(2)(s)
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FREDERIC SCHOOL DISTRICT

NOTICE OF SCHOOL BOARD VACANCY AND APPOINTMENT PROCESS

NOTICE IS HEREBY GIVEN to the electors of the _____ School District that there is a current vacancy on the School Board in the office formerly held by [insert name of prior incumbent]. The School Board intends to attempt to appoint a qualified elector of the District to fill the vacancy under a term of office that shall expire on [insert the appropriate date].

Any eligible person who desires to be considered for appointment to this public office must file the following materials at the Office of the District Administrator, which is located at [insert address and other contact information]:

1. A letter of interest that identifies the potential appointee's name, residential address, and telephone number, and that also addresses the individual's qualifications and the reasons he/she is interested in serving on the School Board.
2. A sworn Declaration of Eligibility to hold the vacant board seat. The relevant form is available upon request from the Office of the District Administrator. The Declaration must be sworn to before a notary or another official who is authorized to administer oaths.

To ensure consideration, the letter of interest must be **received in the Office of the District Administrator prior to 4:00 p.m. on [insert the appropriate date]**, and the sworn Declaration of Eligibility must be completed and filed in the office on or before the date of the Board meeting at which the Board considers the potential appointees. The letter and sworn Declaration may be hand delivered to the filing office or sent by U.S. Mail. It is the sole responsibility of the individual who is submitting the materials to verify that the District has received the materials on a timely basis.

Inquiries regarding this Notice may be directed to Josh Robinson by telephone at (715) 327-5630 or by email at robinsonj@frederic.k12.wi.us.

Date of Notice: 01/05/2022

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CERTIFICATE OF APPOINTMENT TO THE SCHOOL BOARD

STATE OF WISCONSIN

Frederic School District } ss.

Pursuant to section 17.26 of the Wisconsin Statutes, I, [insert name of the school district clerk], Clerk of the [insert name of school district] certify that at a meeting held on [insert date of meeting], the remaining members of the School Board appointed [insert name of appointed person] to the office of School Board member, [insert the seat number or identify the seat's apportioned area, if either is applicable]. The appointment is for an unexpired term which shall commence on specific date the board established for the appointee to take office. Said unexpired term of office ends on [insert the date that the appointee's term ends].

Pursuant to section 17.26(3) of the Wisconsin Statutes, this Certificate of Appointment serves as notice of the appointment. The duly-appointed individual shall be deemed to have accepted the selection unless within five (5) days after being notified of his/her selection (and prior to taking and filing the official oath) such individual files with the school district clerk a written refusal to serve. The certified appointee shall not take office unless and until he/she timely takes and files the official oath.

IN TESTIMONY WHEREOF,

I have set my hand this ____ day of _____, 20____.

(Clerk's Signature)
Clerk, [insert name of school district]

