

8000 - BYLAWS OF THE BOARD

8200 - ORGANIZATION AND MEMBERSHIP

**FILLING OF BOARD VACANCIES**

**BB 8221**  
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When any vacancy exists, the members of the Board may choose to fill the vacancy either by provisional appointment or by ordering an election, pursuant to law, within 60 days of the vacancy. However, if the vacancy occurs within four months of the end of the term of that position, the vacancy may not be filled by appointment. The Superintendent shall immediately place the issue of filling the vacancy on the agenda of the next regular meeting (if that meeting is within 20 days of the effective date of the vacancy), or shall call a special meeting of the Board to consider the matter of filling the vacancy if the next regular meeting will not be held within 20 days.

If the Board decides to consider filling the vacancy by appointment, the Superintendent shall notify newspapers of general circulation in the trustee area concerned and in the county seat. Concurrently, the Superintendent shall notify all Boards of local districts in the trustee area and their Superintendents. The notification shall include information on the Board of Education's legal responsibility for filling the vacancy and when the vacancy will be filled.

The Board President shall appoint a committee, composed of no more than three Board members, to propose an appointment process for filling the vacancy. Activities to be addressed in the process committee's proposal may include developing timelines for the required notifications; obtaining written statements of applicants' qualifications and willingness to accept appointment if selected; drafting written and oral questions; and conducting interviews. The process committee's proposal shall be brought to the Board for review and approval.

The Board shall meet in open session to interview the applicants. If the Board members agree on an applicant, the applicant shall be provisionally appointed at the current or next regular or special meeting. Provisional appointment by the Board shall require a majority vote of the members of the Board. Voting shall be by roll call vote. A provisional appointment confers upon the appointee all powers and duties of a Board member on the effective date of the appointment. Such provisional appointment, if made, shall be made within 60 days of the vacancy or the filing of any deferred resignation.

References: Education Code §§1008, 5090 et. seq.; Government Code §53051

Approved: 10/21/81  
Revised: 10/01/86; 11/17/99; 05/16/07

**Santa Clara County  
Board of Education**

Following any provisional appointment, the Superintendent or designee shall, within 10 days of the appointment, comply with the requirements of Education Code §5092 by posting a notice of the appointment in three public places (e.g., at the County Office of Education and at two district offices within the trustee area). The Superintendent or designee shall additionally notify newspapers of general circulation and school districts in the trustee area concerned of the appointment. Both the posted and published versions of the notice shall include the following information: the fact that a vacancy exists in the trustee area; the effective date of the vacancy; the full name of the appointee to the Board and the date of the appointment; and a statement that the appointment will become effective unless a petition calling for a special election, signed by one and one-half percent of the registered voters in the trustee area, is submitted to the Superintendent within 30 days of the date of the appointment.

If the Board declines to fill the vacancy by appointment within 60 days of the vacancy or the filing of a deferred resignation, the vacancy shall be filled by means of an election called and conducted according to law.

Following any provisional appointment or election, the Superintendent or designee shall, within 10 days, file an amended roster of Board members with the Secretary of State.