

OSBA Model Sample Policy

Code:
Adopted:

BBE

Vacancies on the Board

Vacancies on the Board will be filled through the following procedures:

1. At a Board meeting, the Board will declare the vacancy¹;
2. The Board or designee will establish an application period of at least 20 days. Applicants will be required to submit an application to the district office by the designated date. Deadlines and instructions will be posted on the district website. The Board can vote to extend or re-open the application period at any time;
3. After the application period has ended, the superintendent or designee will verify applicant eligibility. Applicants must:
 - a. Be an elector of the district.² This requires being registered to vote within the district;
 - b. Have resided in the district for a period of one year immediately preceding the appointment;
 - c. Be a resident of the zone of the vacant position, if the position is zoned;
 - d. Not be an employee of the district or a charter school located within the district^{3}, except as a substitute bus driver in accordance with ORS 332.016.
4. The Board will review applicant materials in an open Board meeting;
5. The Board may select applicants to interview. Any interview will be held in an open Board meeting;
6. During an open Board meeting, the Board will vote to appoint one of the applicants. In the event that no applicant receives a majority of votes⁴, the Board may re-vote or vote to re-open the application period;

¹ In accordance with ORS 332.030, the Board shall declare a vacancy upon any of the following:

1. The death or resignation of any Board member;
2. When a Board member is removed from office or the election of the Board member has been declared void by the judgment of any court;
3. When a Board member ceases to be a resident of district [or zone from which nominated (see exception for board members who move out of the zone, but remain residents of the district in ORS 332.030(2) - (3))];
4. When a Board member ceases to discharge the duties of office for two consecutive months unless prevented by sickness or other unavoidable cause;
5. When a Board member ceases to discharge the duties of office for four consecutive months for any reason; or
6. When a Board member is recalled.

² ORS 254.005(4) provides “‘Elector’ means an individual qualified to vote under section 2, Article II, Oregon Constitution.” District staff may verify this with local elections officials.

³ {Include this bracketed language only if the district has an ADM of 50 or fewer.}

⁴ ORS 332.055 requires the affirmative vote of a majority of Board members to transact any business. Consequently [three] votes are necessary to appoint a board member, regardless of how many vacancies exist.

7. The newly appointed Board member(s) will take an oath of office before assuming the duties of office and will be seated immediately thereafter.

If the vacancy occurs in a zone and an eligible zone resident cannot be found, the Board shall appoint one of the eligible residents from the district to serve in accordance with ORS 332.124.

The appointee will serve until June 30 following the next election. At that election, either the remainder of the term for the position, or a full term for the position will be on the ballot.

If the offices of a majority of Board members are vacant at the same time, the directors of the Malheur Education Service District shall appoint persons to fill the vacancies from qualified individuals.

END OF POLICY

Legal Reference(s):

[ORS 249.865 - 249.877](#)

[ORS 254.005](#)

[ORS 255.245](#)

[ORS 255.335](#)

[ORS 332.030](#)

[ORS 332.122](#)

[ORS 332.124](#)