

RESOLUTION 26-048 –Approval of Amended Board Policy-BBE-Vacancies on the Board

Background: To provide greater clarity and consistency when filling a vacancy on the Board, OSBA has updated Policy BBE – Vacancies on the Board to incorporate applicable legal requirements into a clear, step-by-step process. The revised policy provides guidance for the Board to follow when a vacancy occurs and helps ensure the appointment process is conducted in accordance with Oregon law. The existing version of Policy BBE will be deleted and replaced with this updated version.

WHEREAS, the Multnomah Education Service District Board of Directors Policy Committee reviewed and discussed Board Policy BBE-Vacancies on the Board;

WHEREAS, the Multnomah Education Service District Board of Directors Policy Committee recommends the Board adopt Board Policy BBE-Vacancies on the Board;

NOW THEREFORE BE IT RESOLVED, that Board Policy BBE-Vacancies on the Board.

BE IT FURTHER RESOLVED, that if no further discussion is required, Board Policy -BBE-Vacancies on the Board is approved as proposed and does not require a second reading.

Multnomah Education Service District

Code: **BBE**
Adopted: 5/06/80
Revised/Readopted: 8/18/81; 9/20/94; 4/19/05;
9/20/05; 10/19/10; 4/23/14;
9/15/26
Orig. Code(s): 1310

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 ESD office by the designated date. Deadlines and instructions will be posted on the ESD 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 ESD.² This requires being registered to vote within the ESD;
 - b. Have resided in the ESD 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 ESD.
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;

¹ In accordance with ORS 334.095, the Board shall declare the office of a director vacant when the incumbent:

1. Dies or resigns;
2. Is removed from office or a court declares the election of the office void;
3. Ceases to be a resident of a school district that is located within the territory of the ESD;
4. Ceases to be a resident of the zone from which nominated (except as allowed in ORS 334.095);
5. Ceases to discharge the duties of office for two consecutive months unless prevented from discharging the duties by sickness or other unavoidable cause; or
6. Is recalled

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

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 votes³, the Board may re-vote or vote to re-open the application period;
7. The newly appointed Board member will take an oath of office before assuming the duties of office;
8. The newly appointed Board member take office at the meeting next following the appointment.

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 State Board of Education 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 334.090](#)

[ORS 334.095](#)

[ORS 334.112](#)

³ 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.