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214 SCHOOL BOARD – VACANCIES AND PROCEDURES FOR FILLING OF VACANCIES

I. PURPOSE

The purpose of this policy is to provide governing rules for the filling of vacancies on the Board of Education.

II. GENERAL STATEMENT OF POLICY

A vacancy on the Board of Education, Special School District No. 6, shall be declared and filled subject and pursuant to Minnesota Statute 123.33 and this policy.

III. GENERAL PROVISIONS

A vacancy on the Board shall occur when a member dies, resigns, or ceases to be a resident of Special School District No. 6. Any such vacancy shall be filled by the Board at any regular or special meeting thereof by resolution entered in the minutes and shall continue until the next regular board election, at which time the vacancy will be filled by regular or special election.

If a member of the Board of Education is unable to serve on the Board and attend its meetings for ninety (90) days or more because of illness or prolonged absence from the District, the Board may, at any regular or special meeting thereof, declare a vacancy to exist.

After the Board has, by resolution, declared such vacancy to exist, the vacancy shall be filled by the Board at a regular or special meeting thereof until the next regular board election or until such ill absent member is again able to resume his/her duties as a member of such Board whichever date is earliest. When such ill or absent member is again able to resume his/her duties as a member of the Board, the Board shall, by resolution, so deem and declare such person to again be a member of the Board, and the member appointed by the Board in his/her place would no longer be a member thereof.

The qualifications required of applicants for appointment to fill a vacancy are the same as for election to that position. If at least one qualified person applies by the end of the open period for applicants, the requirements of this section shall be deemed to be satisfied.

IV. PROCEDURES FOR FILLING OF VACANCIES

- A. Declare or announce a vacancy by resolution.

- B. Publicize vacancy – for at least two successive issues of the official newspaper of the district by advertisement and official notice, and by other formal and informal methods as it shall deem advisable.
- C. Receive applications from interested citizens. Applications must be accepted for a period of at least two weeks from the date of first publication.
- D. If no qualifying applications are received, the Board will reopen the application process and publicize the vacancy again. This process will continue until at least one application from an eligible candidate is received.
- E. Board interviews with applicants using questions that have been developed by the Board prior to the interviews. Each candidate will be asked the same set of questions. The questions will not be shared with the candidates before the interviews.
- F. Appointment or replacement Board member by resolution, using the following voting procedure:
 - 1. All ballots will be in writing and collected by the Clerk of the Board.
 - 2. The number of ballots to select a replacement Board member shall be determined by the number of eligible applicants. Members with a conflict of interest or who do not wish to vote for any candidate may abstain, but their votes are not counted in determining if a majority exists and do not constitute a vote for or against any of the applicants. The member will not be recorded as voting.
 - a) If there is only one qualified applicant, that applicant will automatically be approved and recorded as a unanimous vote of the members voting favoring selection.
 - b) If there are more than two applicants, members will vote in successive ballots to reduce the number to two by the following method.
 - (1) Each board member will on paper ballots select a number of applicants equal to one less than the total number still in contention for that round. If there is a tie for the lowest number of votes to be carried forward, a secondary ballot will be taken to determine which among those applicants tied will be carried forward, with selection based on **receiving a majority of votes**
 - (2) If two or more candidates for the lowest vote total remain tied after the second ballot, none will be carried forward to the next round of voting.
 - (3) The rounds will continue, with one applicant (or in case of a tie for the lowest votes, more than one) dropped from the list of applicants on subsequent ballots.

- c) If there are two qualified applicants, or when the number of remaining applicants is reduced to two, members present and voting must vote for one of the two candidates. If a tie results from this vote, the Board will have the option of discussing the relative merits of the two candidates, but must again vote to select one of the two or abstain. If after three ballots to select an applicant the Board remains deadlocked, the Chair of the Board, acting on behalf of the Board, shall make the determination by lot. This selection will be recorded in the minutes as a majority voice vote for the selected candidate.
- d) The selection shall not be subject to a motion for reconsideration after the determining vote is made.
- e) When a board member has been selected, the chair will entertain a resolution to make the selection unanimous.

Legal References: Minn. Stat. § 123.33

Cross References: