



## **AP 2110**

## **VACANCIES ON THE BOARD**

### **References:**

Education Code Sections 5090 et seq.;  
Government Code Sections 1770 and 6061

Vacancies on the Board of Trustees may occur for the reasons described in Government Code Section 1770. If a vacancy on the Board occurs, the vacancy will be filled in accordance with Government Code Sections 5091 et seq. The Board may either order an election or make a provisional appointment to fill a vacancy.

### **Filling a Vacancy**

When the Board determines to fill the vacancy by provisional appointment, the Superintendent/President shall assure that there is sufficient notification to the public regarding the opportunity to be considered and the process for the provisional appointment. Appropriate communication methods shall ensure broad dissemination of the provisional appointment information. Publicity shall include posting in three public places in the District, publication in a newspaper of general circulation, and posting a notice on the District's website.

The posted notice of vacancy should contain the following:

1. The fact of the vacancy or resignation;
2. The date the vacancy occurred or the date the deferred resignation was filed, and the effective date of, the resignation; and
3. Relevant information about the provisional appointment process, including timeline to file an application.

The notice of the vacancy shall include directions regarding applications or nominations of legally qualified candidates. Persons applying must meet the qualifications required by law for members of the Board and must reside in the Trustee area of the vacancy.

### **Applying for an Appointment**

Persons applying for appointment to the Board shall receive a letter from the Superintendent/President containing information about the District and the Board, and a candidate application form to be completed and returned by a specific date.

### **Interviewing and Selecting Candidates**



The Board shall request personal interviews with candidates. Interviews will be conducted in a public hearing scheduled for that purpose.

Each Board member will review all candidate application forms, with final selection made by a majority vote of the Board members at a noticed public meeting called for that purpose.

The Superintendent/President shall be responsible for filing the appropriate documents to confirm the appointment.

Whenever a provisional appointment is made, the Board shall, within ten (10) days of the provisional appointment, post notices of both the actual vacancy or the filing of a deferred resignation and the provisional appointment in three (3) public places in the District. It shall also publish a notice in a newspaper of general circulation, if a newspaper of general circulation is published in the District.

The public notice of vacancy and provisional appointment must contain the following:

- The fact of the vacancy or resignation;
- The date the vacancy occurred or the date the deferred resignation was filed and the effective date of the resignation; and
- The full name of the provisional appointee to the Board and the date of the provisional appointee's appointment.
- A statement that unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of county superintendent of schools within thirty (30) days of the date of the provisional appointment, it shall become an effective appointment.

### **Term and Powers of Office**

A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for members of the Board of Trustees. An election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

A provisional appointment confers all powers and duties of a member of the Board of Trustees upon the appointee immediately following his/her appointment.



---

Date Approved: June 27, 2013

Legal Update #44: April 2024

Legal Update #45: October 2024

Revised/Reapproved: March 31, 2025