

SCHOOL DISTRICT OF PITTSVILLE BOARD POLICY

SCHOOL BOARD LEGAL STATUS

FILLING BOARD VACANCIES

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The appropriate Board officer (normally the Board Clerk), as specified in section 17.01(13)(b) of the state statutes (for resignations) or in section 17.17(5) (for other vacancies), or a designee acting on behalf of such officer, shall promptly notify the full Board of any resignation or other vacancy that arises on the School Board.

Vacancies on the School Board shall be filled in accordance with state law and in substantial compliance with the guidelines and procedures established in this policy. Any appointee to the School Board must be a qualified elector of the District and otherwise eligible to hold the office.

The Board clerk or the clerk's designee shall provide an appointee with notice of the appointment. A qualified elector who is selected to fill a Board vacancy shall not take office unless and until the person has taken and filed the official oath of office. An appointee shall file the official oath on or before any final deadline that the Board establishes for the appointee to take office. Upon filing the official oath, an appointee shall also promptly file a campaign finance registration statement.

~~When a vacancy occurs on the Board of Education as a result of death, resignation, removal, or change in residency, the remaining members of the Board shall appoint a successor to fill the unexpired term until a successor is elected and takes office under 120.06(4).~~

~~When a vacancy occurs in the office of a board member who is in the last year of his or her term, or when a vacancy occurs after the spring election but on or before the last Tuesday in November in the office of a board member who is not in the last year of his/her term, the successor shall be elected at the next spring election.~~

~~If a vacancy occurs in the office of a Board member in the last year of his/her term (i.e., in an office at stake in the next election), the successor shall be elected at the next spring election.~~

~~If a vacancy occurs after a spring election (the first Tuesday in April), but on or before the second Tuesday in December in the office of a Board member who is not in the last year of his/her term, the successor shall be elected at the next spring election.~~

~~If a vacancy occurs after the second Tuesday in December and prior to the spring election in the office of a Board member who is not in the last year of his/her term, the successor shall be elected at the second following spring election and the appointee shall serve in the interim period.~~

~~The vacancy shall be filled by a legal resident of the school district.~~

APPOINTMENT GUIDELINES AND PROCEDURES FOR FILLING BOARD VACANCIES

~~When a vacancy occurs on the Board, the following procedure is to serve as a guide in securing a successor to the vacant position:~~

- ~~1. When a School Board vacancy occurs for any reason, The Board Clerk or a designee shall directly notify all remaining Board members of the vacancy. If the Clerk is unavailable or if the vacancy is in the Board seat held by the person serving as Clerk, the Treasurer shall ensure that such notice is provided.~~
- ~~2. The person appointed to fill a vacancy shall be a qualified elector of the District.~~

During the 60 days immediately following the date on which a vacancy first exists, the Board may fill the vacancy only by an appointment made by a vote of the remaining members of the Board. Any such attempt to fill the vacancy during this 60-day period shall be consistent substantially comply with the following guidelines and procedures, supplemented

by any additional procedures that the Board may adopt:

1. The District Administrator, or his/her designee, shall give notice of the vacancy to the public by, at a minimum, posting information on the District website. The notice shall include date on which the appointment will expire, place and manner in which qualified electors who are interested in serving as the appointee may declare their interest and apply; and deadline for submitting letters of application—a deadline for applying to fill the vacancy. The deadline shall be at least 14 days after the date that the notice is first placed on the District website or otherwise first posted or published.
2. Any qualified elector of the District who is interested in filling the vacancy may shall submit the following materials to the office of the District Administrator:
 - a. A letter of application that includes the applicant's name, the applicant's residential address, contact information, and a statement of the individual's qualifications and his or her reason(s) for seeking the appointment (addressing qualifications and interest).
 - b. On or before the date of the Board meeting at which the Board considers the potential appointees, each potential appointee shall also submit a signed sworn declaration of eligibility to hold the vacant board seat.
3. Applications received by the specified who have submitted the required materials by the applicable deadline(s) are assured consideration. If no applications letters of application are received by the deadline, the Board President may direct the District Administrator to re-issue the solicitation of interest to re-post the vacancy notice on the District website, with the deadline for letters of interest being assured consideration extended by up to an additional 14 days. The Board President or the president's designee shall ensure that all Board members are informed of any such extension. Step 4 and Step 5 apply only if at least one potential appointee has been identified.
4. The Board shall consider all of the identified potential appointees at a properly noticed meeting of the Board. Each potential appointee shall be given an opportunity to make a statement in support of their possible appointment to serve on the Board. The Board may ask questions of one or more of the potential appointees. At a properly noticed meeting of the Board held after the deadline for submitting letters of application, each potential appointee who submitted the required materials on a timely basis shall have an opportunity to make a brief statement, up to 5 minutes in length, in support of their possible appointment. The Board may decide by motion or by unanimous consent to ask questions of one or more of the potential appointees.
5. Unless a majority of the Board approves the use of a roll call or voice vote, the possible selection of an appointee to fill the vacancy will proceed with the use of signed, written ballots. Following any debate or deliberation among the Board members regarding the applicants, a standard majority of votes cast shall be required to make an appointment to fill a Board vacancy at this stage with any vote for "none of the above" counting as a vote cast.
 - a. Unless an appointment is made by unanimous consent or unless the Board expressly directs the use of a roll call or voice vote, the possible selection of an appointee to fill the vacancy will proceed with the use of signed, written ballots. Any completed ballots shall be retained as District records.
 - b. Any write-in vote or any vote for "none of the above" on a ballot shall be counted as a vote cast. However, if a Board member announces that they are abstaining from participation in the decision, then no ballot shall be issued to the Board member, the abstention shall be recorded in the minutes, and the abstention shall not be counted as a vote cast.
 - c. If needed, multiple rounds of voting will occur. If any Board member objects to conducting more than 5 rounds of voting at any single meeting, he or she may demand that the question of continuing with voting at that meeting be put to a Board vote. Voting will continue only if supported by a majority vote.

APPOINTMENT GUIDELINES AND PROCEDURES AFTER 60 DAYS

If the Board vacancy has not been filled by appointment within 60 days pursuant to the previous paragraph of the date on which the vacancy first exists, then at a the Board will attempt to fill the vacancy in substantial compliance with the following guidelines and procedures, supplemented by any additional procedures that the Board may adopt: meeting held no later than 45 days after the end of the initial 60-day period of the vacancy, the chairperson of the meeting shall call for nominations of any qualified elector who has submitted a letter of interest and sworn declaration of eligibility to hold office. Electors being considered for nomination who are present at the meeting will be given the opportunity to make a brief statement in support of their nomination and possible appointment to the Board. Nominations must be supported by at least two (2) Board members, inclusive of the Board member making the initial nomination. Each Board member may nominate or express his/her support for the nomination of only one elector. Once the qualifying nominees have been identified, the Board shall make a final attempt at this meeting to appoint one of the nominees to fill the vacancy by a majority vote. If after 5 rounds of voting the Board still has been unable to select an appointee by a majority vote, then the chairperson of the meeting shall declare a deadlock and the deadlock shall be broken by the random selection of a qualifying nominee. If, for any reason, the vacancy is still unfilled following such meeting, then the procedures listed in this paragraph shall be repeated as needed at future Board meetings held at approximately monthly intervals.

3. Upon successfully selecting an individual to fill the vacancy, the Board may either
 - a) establish the specific future date on which the appointee will first take office; or
 - b) establish a specific deadline for the appointee to take office, but provide that the appointee may take office immediately as of the time (not later than the deadline) that the appointee takes and files the official oath. However, in the absence of a Board decision to establish such a specific date or deadline for the appointee to take office, the appointee shall first take office on the 14th calendar day after the date of the meeting at which the person was selected to fill the vacancy.
4. After the meeting at which a qualified elector is selected to fill the vacancy, the Board Clerk shall notify the person, in writing, of his/her selection as the appointee. Under state law, this notification shall occur within eight (8) days of the selection, and the person selected to fill the vacancy will be considered to have accepted the appointment unless within five (5) days after such notification he/she files a written refusal to serve with the Board. If the person files a written refusal to serve, the Board will continue to attempt to fill the vacancy.
5. A qualified elector selected to fill a Board vacancy shall not take office unless he/she has taken and filed the oath of office. The oath shall be filed on or before any deadline that the Board establishes for the appointee to take office. If the appointee neglects or refuses to take and file the official oath on or before such date and has not filed a written refusal to serve, such neglect or refusal gives rise to a new vacancy in the office.
6. Upon taking and filing the oath, the individual will file a campaign registration statement if required to do so by law.
7. State law determines the date on which an appointee's term of office expires.
8. The District Administrator and Board President shall jointly ensure that each person who fills a vacancy is provided with a basic orientation to the duties and responsibilities of serving as a Board member.
9. The Board Clerk or a designee will report the name and contact information of the appointed Board member to the clerk and treasurer of each municipality and county having territory in the District in accordance with the requirements of state law.
1. If a duly-elected successor (i.e., a person elected at a Spring Election) will be taking office in the seat that is currently vacant within the next 60-day period that follows the initial 60-day period of the vacancy, then no appointee shall serve in the vacant seat in the interim unless an individual is appointed by a majority vote.

2. If the unfilled vacancy is **not** subject to the previous paragraph, then at a properly noticed Board meeting that shall be held no later than 45 days after the end of the initial 60-day period of the vacancy, the Board shall make an attempt to appoint a qualified elector to fill the vacancy by a majority vote.
 - a. Prior to such Board meeting, the Board may direct the District Administrator to post and otherwise publicize a notice of the vacancy that solicits potential appointees and that includes appropriate instructions for expressing interest in serving as an appointee.
 - b. To be eligible for consideration for appointment by a Board vote at such meeting, a potential appointee minimally (1) must have submitted a signed and sworn declaration of eligibility to fill the vacancy in question at any time after the occurrence of the vacancy, and (2) must not have withdrawn from consideration.
3. Assuming that there is at least one potential applicant who has been identified for possible appointment, voting will occur at the Board meeting described in the previous step. If the Board is still unable to fill the vacancy after 5 rounds of voting, or after fewer rounds if reduced by unanimous consent, then the chairperson of the meeting shall declare a deadlock and immediately call for nominations in order to break the deadlock by the random selection of a nominee. The following shall apply:
 - a. A nominee for the random selection process must be a qualified elector who has submitted a signed and sworn declaration of eligibility to fill the vacancy in question and who has not withdrawn from consideration.
 - b. Each nominee, if any, will be included in the random selection process. Each Board member who is present at the meeting may nominate or support the nomination of only one person who is included in the random selection process. The nominee chosen by the random process is thereby selected to fill the vacancy.
4. If, for any reason (including the lack of any identified potential appointee), the vacancy is still unfilled 105 days following the date on which the vacancy first exists, then steps 2 and 3 of the procedures listed above shall be repeated at a properly noticed Board meetings that are held at approximately monthly intervals until either (1) the vacancy is filled, or (2) there are fewer than 60 days before a duly-elected successor will take office in the vacant seat.

DEFINITIONS

The term “days” as used in this policy means calendar days unless expressly stated.

LEGAL REFERENCE

Wisconsin State Statutes

Section 11.0202(1)	[individuals holding a local office shall file a campaign registration statement]
Section 17.01(13)	[board member resignations; how made]
Section 17.03	[cause of vacancies]
Section 17.035	[military leave vacancies]
Section 17.17(5)	[clerk to provide notice of vacancies to school board]
Section 17.26	[filling school board vacancies]
Section 19.01	[oath of office]
Section 59.23(2)(s)	[duty to provide county clerk(s) with lists of local officials]
Section 120.05(1)(d)	[board member residency]
Section 120.06(4)	[election of school board members]
Section 120.05(1)(d)	[board member residency]
Section 120.06(10)	[clerk to provide notice of appointment; timely oath required]
Section 120.12(28)	[school board required to adopt a policy on filling vacancies not filled within 60 days of the date on which the vacancy first exists]
Section 120.17(1)	[clerk to provide municipalities with names and addresses of new board members]

~~First Reading of Updates: March 12, 2018~~

~~Second Reading and Approval: April 9, 2018~~

First Reading of Updates: March 11, 2024

Second Reading/Approval of Updates: April 8, 2024

Purpose of these Procedures

The following procedures shall be implemented to fill a specific vacancy on the School Board only if the Board has first voted to direct the use of these procedures in connection with the imminent or pending vacancy. In lieu of passing a motion that directs the implementation of the procedures set forth in this rule, the Board may instead vote to direct the implementation of different procedures in order to fill the vacancy in question.

Upon a decision by the Board to implement these procedures, These procedures will be used by the remaining members of the Board to attempt to fill a vacancy by appointment within the first 60 days after the date on which the vacancy in question first exists. Accordingly, these procedures are intended to be implemented in a manner that facilitates the Board reaching an opportunity to vote to select an appointee on or before the 60th day after the vacancy first exists.

Vacancy Notice and Candidate Application

1. ~~After ensuring that all Board members have been notified of the vacancy and that the Board has voted to direct the use of these procedures in connection with the specific vacancy, the Clerk or a designee shall ensure a notice of the vacancy is prominently posted on the District website and at the location(s) used to post public notice of school board meetings. At the discretion of the Board, the Board President, or District Administrator, notice of the vacancy and the vacancy filling process may be further publicized by additional means. The posted notice shall include at least the following information:~~
 - a. ~~The date on which the appointment will expire;~~
 - b. ~~The place and manner in which qualified electors who are interested in serving as the appointee may declare their interest and apply; and,~~
 - c. ~~The deadline by which, if a complete application has been filed, the applicant is assured to receive full consideration. The deadline will be a reasonable length of time to allow interested parties to apply. Unless the Board establishes a specific application deadline at the meeting at which the Board directs the implementation of these procedures, the District Administrator shall select a deadline that is at least 14 calendar days after the date that the notice of the vacancy is first posted.~~
2. ~~Prospective candidates will be asked to submit a written application to the Board, in care of the District Administrator at the District Office. The written application shall consist of a letter of interest that includes at least the following information:~~
 - a. ~~The name, residential address, and telephone number of the potential appointee.~~
 - b. ~~The reason(s) that the candidate wants to serve on the Board.~~
 - c. ~~The individual's qualifications and experience relevant to holding the office.~~

~~The letter of interest may further address topics such as the following:~~

 - a. ~~Any items that the individual believes should be the school board's top priorities in connection with improving student achievement.~~
 - b. ~~The candidate's general views on District strengths and areas that may need improvement.~~
 - c. ~~The individual's general views regarding role of the Board and role of the District Administrator/other administrative leaders.~~
 - d. ~~The candidate's availability for Board duties.~~
3. ~~All applicants must be residents and qualified electors of the District.~~
4. ~~Prior to the first date that the Board meets to consider the potential appointees, each potential appointee shall file a signed and dated statement in the care of the District Administrator at the main District Office affirming that the potential appointee meets the applicable age, citizenship, residency, and voting qualification requirements for holding office as an appointee to the vacant seat on the Board.~~

- ~~5. If, as of the established deadline for declaring interest in serving as an appointee, only one person or no one has been identified as a potential appointee, then the Board may choose to seek additional potential appointees by extending the deadline for declaring interest, by permitting individual Board members to nominate a potential appointee, or by using other methods as determined by the Board. If at least one qualified elector has been identified as a potential appointee and the Board does not vote to seek or approve additional potential appointees, the Board shall proceed to further consider the one potential appointee.~~

The Appointment Process

- ~~1. If at any point in the process the Board concludes that it would be beneficial to narrow the field of potential appointees who are under active consideration, it may do so under procedures approved by a majority vote. However, a decision to exclude one or more potential appointees from active consideration shall not prevent the Board, also by a simple majority vote, from re-including any previously excluded individual later in the process.~~
- ~~2. At a meeting, the Board will permit each individual who is under active consideration for appointment to make an initial statement of introduction and interest.~~
- ~~3. The Board will interview potential appointees in a question and answer format. Depending on the number of potential appointees who will be interviewed, the Board may conduct the interviews either in a panel format (rotating the order of the responses) or in an individual format (using a randomly determined order and during which those individuals who have yet to be interviewed will be asked to voluntarily step outside of the meeting room).~~
- ~~4. Upon completion of the statements and interviews and prior to any vote that is taken to select the appointee, the Board President will call for discussion by Board members. If there is only one person under active consideration, the voting procedures described below may be adjusted by a majority vote of the Board.~~
- ~~5. Each of the remaining Board members will be permitted to vote for one of the individuals who is under active consideration for appointment using signed written ballots. A signed ballot indicating a vote for "none of the above" shall count as a vote cast. If one person receives the majority of the votes cast, he/she is thereby appointed to fill the vacancy. If no candidate receives a majority of the votes, the results of the voting will be announced and balloting will continue until one candidate receives a majority of the votes cast or until five (5) rounds of voting have been completed. Additional discussion shall be permitted in connection with each round of voting.~~
- ~~6. If no appointment has been made after five (5) rounds of voting, and unless a majority of the Board votes to continue with additional rounds of voting at that meeting, the matter of the appointment to fill the vacancy shall be deemed postponed. By a majority vote, the Board may determine the date(s) of a subsequent meeting(s) at which the postponed matter will again be considered by the Board, provided that any such meeting shall normally be scheduled on or before the 60th day after the vacancy in question first existed. In connection with any such subsequent meeting, the Board may vote to take any additional steps (such as seeking additional potential appointees or scheduling further interviews) as the Board determines may be beneficial to the process. If no appointment to fill the vacancy is made at such a subsequent meeting or if the Board does not hold such a subsequent meeting, the Board shall apply the Board-adopted procedures that establish how a Board vacancy will be filled if the remaining Board members have not filled the vacancy within such 60-day period.~~
- ~~7. Upon successfully selecting an individual to fill the vacancy:
 - ~~a. The person selected for appointment to the Board will be publicly announced at the Board meeting.~~
 - ~~b. The Board may either (1) establish the specific future date on which the appointee will first take office, or (2) establish a specific deadline for the appointee to take office, but provide that the appointee may take office immediately as of the time (not later than the deadline) that the appointee takes and files the official oath. However, in the absence of a Board decision to establish such a specific deadline for the appointee to take office, the appointee shall first take office on the 14th calendar day after the date of the meeting at which the Board selected the person to fill the vacancy.~~~~

After a Board Meeting at which an Appointment Is Made

- ~~1. The Board Clerk shall notify the person, in writing, of his/her selection as the appointee. Under state law, this notification shall occur within eight (8) days of the Board's decision, and the person selected to fill the vacancy will be considered to have accepted the appointment unless within five (5) days after such notification he/she files a written refusal to serve with the Board. If the person files a written refusal to serve, the Board will continue to attempt to fill the vacancy.~~
- ~~2. The appointee shall not take office unless and until he/she takes and files the official oath on or before the applicable deadline for taking office. If the appointee neglects or refuses to take and file the official oath on or before such date, such failure gives rise to a vacancy in the office.~~
- ~~3. Upon taking and filing the oath, the individual will file a campaign registration statement if required to do so by law.~~
- ~~4. The District Administrator and Board President will ensure that all applicants who were not selected receive a courtesy notification of the final selection and an expression of the Board's appreciation of their willingness to consider service on the Board.~~
- ~~5. The District Administrator and Board President shall ensure that each person who fills a vacancy is provided with a basic orientation to the duties and responsibilities of serving as a Board member.~~
- ~~6. The Board Clerk or a designee will report the name, phone number, electronic mail address, and post office address of the appointed Board member to the clerk and treasurer of each municipality and county having territory in the District in accordance with state law.~~