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## EXPLANATION: SCHOOL BOARD VACANCIES

Senate Bill 638 (2016) amended state statute regarding filling a vacancy on the School Board. In general, School Boards fill vacancies on the Board until the next election, when the remainder of the unexpired term is put on the ballot. However, in extremely rare circumstances where there are three or more vacancies at one time, state statute requires the county commission, not the School Board, to fill the vacancies. Some districts are located in charter counties that do not have a county commission, though, so this statute was changed to accommodate those districts. This policy has been amended to reflect that change.

MSBA has also taken this opportunity to revise this policy for clarity and to address frequently asked questions on this topic.

For more information about filling a vacancy, see MSBA's publication, "[Vacancies on the School Board](#)," on the MSBA website.

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|--|----------------------|--|----------------------------|--|----------------------|
| <i>MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.</i> |                      |  |                            |  |                      |
| X  | Board Secretary      |  | Business Office            |  | Coaches/Sponsors     |
|  | Facility Maintenance |  | Food Service               |  | Gifted               |
|  | Human Resources      |  | Principals                 |  | Library/Media Center |
|  | Health Services      |  | Counselor                  |  | Special Education    |
|  | Transportation       |  | Public Info/Communications |  | Technology           |

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## ~~UNEXPIRED TERM FULFILLMENT~~/SCHOOL BOARD VACANCIES

Except as provided by the Missouri Constitution and state statutes, and subject to the right of resignation, all members of the Board shall hold office for the term thereof, and they were elected or appointed to serve until their successors are duly elected or appointed and qualified.

If a vacancy occurs on the Board of Education, the remaining members shall appoint a person to serve until the next school board election, when a director shall be elected for the unexpired term. In a case of resignation, a vacancy shall be declared to exist when the resignation letter is officially presented to the Board at a Board meeting. In a case of removal from office for excessive absences, a vacancy shall be declared to exist when the secretary of the Board certifies to the Board that a Board member has missed three consecutive meetings, and the Board has not excused the absences.

If there are more than two vacancies at any one time, the county commission, upon receiving written notice of the vacancies from the Board secretary, shall fill the vacancies by appointment. If the district is located in a county without a county commission, the county executive, upon receiving written notice of the vacancies, shall fill the vacancies by appointment, with the advice and consent of the county council. The person(s) appointed shall hold office until the next school board election, when a director(s) shall be elected for the unexpired term(s).

When it becomes necessary for the Board of Education to appoint one or more members to the Board of Education, the following procedures will be used. When it is the Board's responsibility to fill a vacancy, the following process will be used unless the Board votes to use a different process due to the timing of the vacancy or other relevant reasons:

1. *Notification Process* – The fact that a vacancy exists or will exist will be announced at the next Board meeting. The district also will notify local newspapers will also be notified and advertise existing vacancies on the district's website. In a case of resignation, a vacancy shall be declared to exist when the Board of Education votes to accept a member's letter of resignation. In a case of removal from office, a vacancy shall be declared to exist when the secretary of the Board certifies to the Board that a vacancy exists. The superintendent or designee is directed to advertise the vacancy in other effective ways, such as sending e-mails or other electronic communication to the community or posting notice in district buildings or publications. Residents wishing who wish to be appointed to the vacancy shall make their desire known by sending a letter to the secretary of the Board stating their qualifications and their reason for wishing to be on the Board apply as directed in the notification(s). A period of two weeks from the date of the announcement will be allowed for receipt of these letters. The district will allow residents a minimum of two weeks from the date the district publicizes the vacancy on its website to apply for the vacant position.

- 2. *Review/Interview Process* – ~~The letters~~ All applications received will be reviewed by the Board of Education at the ~~next~~ regularly scheduled Board meeting, or at a special meeting called for that purpose. The Board may select final candidates from the applicants, and these individuals will be interviewed in open session at a regular or special meeting of the Board to interview in open session, or the Board may decide not to interview candidates and make a final selection from the applications.
- 3. *Selection Process* – The Board will make appointment(s) will be made in an open session at the next Board meeting held subsequent to the interview process. Appointments shall must be made through a formal motion and that is seconded, and confirmed with an affirmative vote by a majority of the Board. This vote must be held in open session.
- *Exclusion of Resigning Board Member* – An individual who is resigning from or otherwise leaving the Board shall not participate in choosing his/ or her successor.
4. *Swearing In* – Once appointed, a person becomes a Board member by taking and signing the oath of office.
5. *Notification of Legal Responsibilities* – All appointed Board members will receive a notice of their obligations to file a personal financial disclosure statement and will be notified of the requirement to complete 16 hours of training.

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**Note:** *The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.*

Adopted: 08/08/1994

Revised:

Cross Refs: AA, School District Legal Status

Legal Refs: Mo. Const. art. VII, § 11  
§ 162.261, RSMo.

Camdenton R-III School District, Camdenton, Missouri