

VACANCIES

A vacancy is defined in Government Code section 1770. A vacancy on the Board also occurs when a Board member ceases to inhabit the trustee area which they represent on the Board. (58 Ops Cal Atty Gen 888, 1975)

When any vacancy exists on the County Board of Education, the vacancy shall be filled in the manner prescribed in Article 3 (commencing with section 5090) of Chapter 1 of Part 4 of the California Education Code. (Education Code [E.C.] §§ 1008, 5326, 5328)

Whenever a vacancy occurs, or whenever a resignation has been filed with the County Superintendent of Schools containing a deferred effective date, the County Board of Education shall, within 60 days of the vacancy or the filing of the deferred resignation, either order an election or make a provisional appointment to fill the vacancy pursuant to Education Code sections 5091, 5092.

According to Education Code section 5093(a), there shall be no special election or appointment to fill a vacancy if the vacancy occurs within four months of the end of the term of that position. In that event, the Board shall take no action, and the seat shall remain vacant until the new term begins. (E.C. §§ 5093(a), 1007)

A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for governing board members, whereupon 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. (E.C. § 5091(e))

When a vacancy occurs, or a resignation specifying a deferred effective date is filed with the County Superintendent during the period between six months and 130 days prior to a regularly scheduled governing board election and the position is not scheduled to be filled at such election, the position shall be filled at a special election for that position to be consolidated with the regular election. The person elected to fill the position shall take office at the next regularly scheduled meeting of the County Board following the certification of the election and shall serve only until the end of the term of the position which they were elected to fill. (E.C. § 5093)