

## **FILLING BOARD VACANCIES**

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 Clerk, the Treasurer shall ensure that such notice is provided.

The vacancy shall be filled by appointment, with a qualified elector, by the remaining members of the Board in accordance with established procedures.

Any consideration of potential appointees for a vacancy shall occur at one or more properly noticed Board meetings. Such meetings shall be open to the public unless there are exceptional reasons for the Board to temporarily convene in closed session to consider specific information that would have a significant adverse effect upon a candidate's reputation. A standard majority vote shall be required in order to make such an appointment. Pursuant to state law, voting to fill a vacancy by appointment shall be conducted in open session, and secret ballots shall not be used.

If a school board vacancy has not been filled by appointment within 60 days of the date on which the vacancy first exists, the Board will implement the Board-adopted written procedures accompanying this policy that expressly address how vacancies are filled after this 60-day period.

The candidate appointed to fill a vacancy shall, upon acceptance and taking and filing the Oath of Office, be seated on the Board. The oath shall be filed on or before any date or deadline that the Board establishes for the appointee to take office. State law determines the date on which an appointee's term of office expires.

A qualified elector selected to fill a Board vacancy shall not take office unless he/she has taken and filed the oath of office. Upon taking and filing the oath, the individual will file a campaign registration statement to the extent required by law.

The District Administrator and Board President shall ensure that each person who is appointed to fill a vacancy is provided with a basic orientation to the duties and responsibilities of serving as a school board member. State law determines the length of time that a Board member serves as an appointee following a vacancy.

Individuals filling vacancies on the School Board through appointment hold their office until a successor is elected at the regular School Board election as specified by Wisconsin Statutes.

**Cross References: Filling of School Board Vacancies 133-Rule**

**Legal References:**

**Wisconsin 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)	[reporting board member information to county clerks]
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]

**Adoption Date: June 27, 2016**

## **FILLING BOARD VACANCIES**

### **Procedures**

#### **I. Vacancy Notice**

- A. 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 will publish a notice of the vacancy (Exhibit 1) in the District's official newspaper stating the following:
1. the length of time for which the appointment is to be made;
  2. the place and manner in which qualified electors who are interested in serving as the appointee may declare their interest and apply; and,
  3. the deadline for filing written applications. The deadline will be a reasonable length of time to allow interested parties to apply, and shall be at least 14 calendar days after the initial date that the notice is first published].
  4. A similar notice shall be posted prominently on the District website. At the discretion of the Board President or District Administrator, further notice of the vacancy and the vacancy-filling process may be given by additional means.

#### **II. Candidate Application**

- A. Interested candidates shall submit an application to the Board, in care of the District Administrator at the District Office. The application shall consist of a letter of interest that includes at least the following information:
1. The name, residential address, and telephone number of the potential appointee.
  2. The reason(s) that the candidate wants to serve on the Board.
  3. The individual's qualifications and experience relevant to the position.
  4. Any items that the individual believes should be the School Board's top priorities in connection with improving student achievement.
  5. The individual's general views regarding role of the Board and role of the District Administrator/other administrative leaders.
  6. The candidate's availability for Board duties.
  7. Prior to the first date that the Board meets to consider the potential appointees, each potential appointee shall file a Declaration of Eligibility to Hold Office (Exhibit 2) 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.

**III. Candidate Orientation**

- A. Interested active candidates who have filed an application packet and Declaration of Eligibility to Hold Office (Exhibit 2), will participate in an orientation with the District Administrator and Board President. At this meeting, the District Administrator and Board President shall jointly ensure that each person is provided with a basic orientation to the duties and responsibilities of serving as a Board member.

**IV. Appointment of an Active Candidate**

- A. The Board's consideration of potential appointees for a vacancy shall occur at one or more properly-noticed Board meetings. Such meetings shall be open to the public unless there are exceptional reasons for the Board to temporarily convene in closed session to consider specific information that would have a significant adverse effect upon a candidate's reputation.
  - 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 one or more such excluded individuals 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. Following the initial statements, the Board will further interview such individuals 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).
  - 3. 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.
  - 4. A majority vote of the remaining Board members shall be required for all appointments to fill a vacancy. Pursuant to State law, voting to fill a vacancy shall be conducted in open session, and no secret ballots may be used. Voting on the candidate may be by roll call, voice vote, or signed written ballot. When making the appointment, Board members should consider each candidate's interest in and devotion to public education and willingness to give time and effort to the work.

**V. Unfilled Appointment – After 60 days**

- A. If a school board vacancy has not been filled by appointment within 60 days of the date on which the vacancy first exists, then at a Board 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 expressed a willingness to be considered for appointment or who has submitted a letter of interest and Declaration of Eligibility to Hold Office (Exhibit 2).
- B. 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 2 or more Board members, taking into consideration that all Board members may not be present at a specific meeting. 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 five 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 (e.g., draw names from a hat) of a qualifying nominee.

**VI. Selected Appointee**

- A. Upon successfully selecting an individual to fill the vacancy, the Board will establish the specific date on which the appointee will first take office. State law determines the date on which an appointee's term of office expires.
- B. After the meeting at which a qualified elector is selected to fill the vacancy, the Board Clerk or a designee shall notify the person, in writing via the Certificate of Appointment to the School Board (Exhibit 3), 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 same unless within five (5) days thereafter he/she shall have filed with the Board Clerk a written refusal to serve. If the person files a written refusal to serve, the Board will continue to attempt to fill the vacancy again using procedures above (V. Unfilled Appointment).
- C. 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 date or 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.
- D. The Board Clerk or a designee will report the name and contact information of the appointed Board member to the clerk of each municipality and county having territory in the District in accordance with the requirements of State Law.

**Legal References:**

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(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]

**Adoption Date: June 27, 2016**

## Exhibit 1

### APPLETON AREA SCHOOL DISTRICT

#### NOTICE OF SCHOOL BOARD VACANCY AND APPOINTMENT PROCESS

NOTICE IS HEREBY GIVEN to the electors of the Appleton Area School District School that there is a current vacancy on the School Board in the office formerly held by [insert name of prior incumbent]. The School Board intends to appoint an eligible individual to fill the vacancy under a term of office that shall expire on [insert the appropriate date].

Any person who is a resident and qualified elector of the Appleton Area School District and who desires to be considered for appointment to this public office must file his/her name, residential address, telephone number, and a Letter of Interest at the Office of the Superintendent located at the following address:

*Greg Hartjes, Superintendent  
Scullen Leadership Center  
131 E. Washington Street, Suite 1A  
Appleton, WI 54911*

To ensure consideration, any such filing must be received in the office prior to 4:00 p.m. on [insert the appropriate date]. The Letter of Interest shall minimally address the following:

1. The name, residential address, and telephone number of the potential appointee.
2. The reason(s) that the candidate wants to serve on the Board.
3. The individual's qualifications and experience relevant to the position.
4. Any items that the individual believes should be the School Board's top priorities in connection with improving student achievement.
5. The individual's general views regarding role of the Board and role of the Superintendent and other administrative leaders.
6. The candidate's availability for Board duties.

Inquiries regarding this Notice may be directed to Greg Hartjes at 920-852-5300, ext. 60111 or by email to [superintendent@asd.k12.wi.us](mailto:superintendent@asd.k12.wi.us).

Date of Notice: [DD/MM/YYYY]

**Exhibit 2**

**APPLETON AREA SCHOOL DISTRICT**

**DECLARATION OF ELIGIBILITY TO HOLD OFFICE**

I, \_\_\_\_\_, being duly sworn, state that  
*(Print the name of the person wishing to be considered for appointment)*

I am willing to be considered for selection to the office of school board member, as an appointee to fill a vacancy and that I meet the applicable age, citizenship, residency, and voting qualification requirements prescribed by the constitutions and laws of the United States and the State of Wisconsin, and that I will otherwise qualify for the office if I am appointed by the School Board of the Appleton Area School District.

I further state that I have not been convicted of a felony in any court within the United States for which I have not been pardoned and that I know of no reason that would otherwise make me ineligible to hold the above-identified office.

My present address, including my municipality of residence for voting purposes is:

Town of \_\_\_\_\_ OR Village of \_\_\_\_\_ OR City of \_\_\_\_\_

\_\_\_\_\_  
House or Fire Number/Street Name / Mailing Municipality and State / Zip code

\_\_\_\_\_  
*(Signature of the person, named above, wishing to be considered for appointment)*

STATE OF WISCONSIN }  
County of \_\_\_\_\_ } ss.  
*(County of notarization)*

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Signature of Notary)

\_\_\_\_\_  
(Printed name of notary)

Notary Public

My commission expires \_\_\_\_\_ or  is permanent.

NOTARY SEAL NOT REQUIRED

**Exhibit 3**

**APPLETON AREA SCHOOL DISTRICT**

**CERTIFICATE OF APPOINTMENT TO THE SCHOOL BOARD**

STATE OF WISCONSIN  
APPLETON AREA SCHOOL DISTRICT } ss.

Pursuant to section 17.26 of the Wisconsin Statutes, I, [insert name of the school district clerk], Clerk of the Appleton Area School District certify that at a meeting held on [insert date of meeting], the remaining members of the School Board appointed [insert name of appointed person] to the office of School Board member. The appointment is for an unexpired term which shall commence [according to the board's specific appointment decision, insert either of the following: "on {specific date the board established for the appointee to take office}" or "as of the time, no later than {date established by the school board as the deadline for taking office}, that the certified appointee takes and files the official oath"]. Said unexpired term of office ends on [insert the date that the appointee's term ends].

Pursuant to section 17.26(3) of the Wisconsin Statutes, this Certificate of Appointment serves as notice of the appointment. The duly-appointed individual shall be deemed to have accepted the selection unless within five (5) days after being notified of his/her selection (and prior to taking and filing the Official Oath) such individual files with the school district clerk a written refusal to serve. The certified appointee shall not take office unless and until he/she timely takes and files the Official Oath.

**IN TESTIMONY WHEREOF,**

I have set my hand this \_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Clerk's Signature)

Clerk,  
Appleton Area School District