

Board Vacancies and Unexpired Term Fulfillment

- A. Definition and Occurrence of a Vacancy. A vacancy on the School Board is defined in RSA 652:12, and occurs when subsequent to election but prior to the expiration of that person's term, the office holder/office holder elect, either:
- i. Resigns;
 - ii. Dies;
 - iii. Ceases to have domicile in the district or town from which he/she was elected;
 - iv. Is determined by a court to be mentally incompetent;
 - v. Is/has been convicted which disqualifies him/her holding office (e.g., bribery, willful violation of election laws) or sentenced while in office after conviction for a felony;
 - vi. Has the election voided by a court or the ballot law commission; or
 - vii. Fails to take the oath of office within 30 days of the election, or fails to give/renew a bond required by law.

Although a formal resignation best serves the District when possible, many of the reasons cause a vacancy to occur by operation of law (e.g., death or relocation). In circumstances that are unclear (e.g., relocation out of district), the Superintendent and/or School Board Chair should consult with counsel.

A temporary absence does not constitute a vacancy.

- B. Authority to Fill Vacancy: The School Board shall fill a vacancy occurring on the board. If the remaining members refuse or are unable to agree upon a replacement, or in the event that there are no remaining School Board members then the Select Board shall make the appointment. See RSA 671:33 and RSA 197:26.
- C. Duration of Appointment: For positions normally elected by the voters, a person appointed to fill a vacancy will serve only until the next election, at which point the voters will vote for a replacement to serve for the remainder of the original holder's term. See RSA 671:33
- D. Process to Fill Vacancies: The School Board will employ the following process when there is a vacancy on the Board. Except as required by RSA 91-A:2 and 3, the School Board reserves the right to waive, supplement or otherwise amend any part of the process.
- 1. Any discussion regarding the process of filling a vacant position on the School Board shall take place in a duly noticed public meeting. The only possible exception could be a limited discussion regarding a potential candidate wherein that part of the discussion is likely to adversely affect the reputation of a person other than a Board member. See RSA 91-A:3, II(c).

2. Once the School Board has confirmed or acknowledged the vacancy, the School Board will advertise/post notice of the vacancy on the District website and in any other such manner as the School Board deems appropriate. Individuals interested in the filling the vacancy shall have 21 days to submit a letter of interest to the School Board Chair, with a copy to Superintendent of Schools. All such letters shall be included in the public meeting minutes for the meeting at which the individual shall be interviewed and/or appointment is to be considered.

3. Interviews of candidates for vacant positions will take place at the School Board meeting immediately following the 21st day after the vacancy has been posted. All interviews will take place in a public session.

4. Appointment of a candidate will take place at the meeting immediately following the one during which the interviews occurred. A current School Board member shall make a motion to nominate an individual to the position. The motion must receive a second. Vote shall occur by hand in public session.

5. If the School Board is unable or unwilling to come to consensus and nominate an individual for the vacancy with a majority vote, the Select Board shall fill the vacancy.

Legal References

RSA 91-A:2

RSA 91-A:3

RSA 197:26

RSA 652:12

RSA 671:33