

**SCHOOL DISTRICT OF PITTSVILLE  
BOARD POLICY**

## SCHOOL BOARD LEGAL STATUS

### FILLING BOARD VACANCIES

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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/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.

*Legal Ref.:               Section 17.01 Wisconsin State Statutes  
                                  Section 17.26 Wisconsin State Statutes  
                                  Section 120.06 (4) Wisconsin State Statutes*

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**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.
3. 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 shall be consistent with the following guidelines:
  - a) The District Administrator, or his/her designee, shall give notice of the vacancy to the public. The notice shall include 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.
  - b) Any qualified elector of the District who is interested in filling the vacancy may submit a letter of application (addressing qualifications and interest) to the office of the District Administrator. Applications received by the specified deadline are assured consideration. If ~~one or~~ no applications are received by the deadline, the Board President may direct the District Administrator to re-issue the solicitation of interest with the deadline for assured consideration extended by up to an additional 14 days. The Board President shall ensure that all Board members are informed of any such extension.
  - c) On or before the date of the Board meeting at which the Board considers the potential appointees, each potential appointee shall also submit a sworn declaration of eligibility to hold the vacant board seat.
  - d) 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.
  - e) 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. A standard majority of votes cast shall be required to make an appointment, with any vote for “none of the above” counting as a vote cast.
4. If the vacancy has not been filled by appointment within 60 days pursuant to the previous paragraph, 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 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.

5. 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.
6. 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.
7. 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.
8. Upon taking and filing the oath, the individual will file a campaign registration statement if required to do so by law.
9. State law determines the date on which an appointee's term of office expires.
10. 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.
11. 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.

### Legal References:

#### Wisconsin Statutes

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

**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 60<sup>th</sup> 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 that 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 60<sup>th</sup> 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 ~~date or~~ deadline for the appointee to take office, the appointee shall first take office on the 14<sup>th</sup> 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**

12. 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.
13. The appointee shall not take office unless and until he/she takes and files the official oath on or before the applicable ~~date~~ or 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.
14. Upon taking and filing the oath, the individual will file a campaign registration statement if required to do so by law.
15. 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.
16. 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.
17. 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.

**SCHOOL DISTRICT OF PITTSVILLE****NOTICE OF SCHOOL BOARD VACANCY AND REQUEST FOR LETTERS OF INTEREST FROM ELECTORS WHO WISH TO BE CONSIDERED FOR APPOINTMENT TO FILL THE VACANCY**

The electors of the School District of Pittsville are hereby given notice that, as of *[insert date]*, there is a vacancy in the office of School Board Member. The office was formerly held by *[insert name of prior incumbent]*.

Under state law, the vacancy will be filled by appointment by the remaining members of the School Board. The person who is appointed to fill the vacancy:

1. Must be a resident and elector of the School District of Pittsville who is eligible under state law to hold the office of School Board Member in the District; and
2. Will serve as an appointee until *[insert the applicable date]*.

Following the conclusion of the appointee's term of office, it is expected that an elected successor to the appointee (who shall be elected at the April *[insert the applicable year]* spring election) will assume office on the 4th Monday of April of *[insert the applicable year]*.

Any eligible person who desires to be considered for appointment to this public office must file the following materials at the Office of the District Administrator, which is located at 5459 Elementary Avenue, Suite 2, Pittsville, WI 54466.

1. A sworn Declaration of Eligibility to hold the vacant board seat. The relevant form is available upon request from the Office of the District Administrator. The Declaration must be sworn to before a notary or another official who is authorized to administer oaths.
2. A letter of interest that identifies the potential appointee's name, residential address, and telephone number, and that also addresses the individual's qualifications and the reasons he/she is interested in serving on the School Board.

To ensure consideration, the letter of interest must be **received in the Office of the District Administrator prior to 4:00 p.m. on *[insert the appropriate date]***, and the sworn Declaration of Eligibility must be completed and filed in the office on or before the date of the Board meeting at which the Board considers the potential appointees. The letter and sworn Declaration may be hand delivered to the filing office or sent by U.S. Mail. It is the sole responsibility of the individual who is submitting the materials to verify that the District has received the materials on a timely basis. It is the sole responsibility of the individual submitting a letter of interest to ensure that the letter has been received. Accordingly, he/she may wish to contact the office to confirm that the District Administrator is in receipt of the letter.

Individuals submitting letters of interest should be aware that, unless otherwise directed or permitted under [section 17.275](#), [section 19.36\(7\)](#), or [Subchapter II of Chapter 19](#) of the state statutes, their submissions (including name and residential address) are generally subject to inspection or copying in response to requests submitted under [section 19.35\(1\)](#).

Following the deadline for receipt of letters of interest, the Board intends to interview one or more individuals who have been identified as potential appointees. The School Board then intends to attempt to fill the vacancy from the pool of interviewees.

Inquiries regarding this Notice may be directed to the District Administrator] by telephone at 715-884-6694 or by email at *[insert email address]*.

The Board sincerely appreciates the community's interest in our schools and any resident's interest in possible school board service.

For the School Board,

*[insert name]*, School Board President

*[insert name]*, School Board Clerk

*[insert name]*, District Administrator

Date of Notice: *[DD/MM/YYYY]*

PITTSVILLE SCHOOL DISTRICT

DECLARATION OF ELIGIBILITY TO HOLD OFFICE AS AN APPOINTEE TO THE SCHOOL BOARD

This document shall be sworn before a notary or other person who is authorized to administer oaths.

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

Election 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 selected to fill a vacancy on the School Board of School District of Pittsville.

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 no./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 where sworn)

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

(Signature of person authorized to administer oaths) (Printed name)

[ ] Notary Public or [ ] \_\_\_\_\_
(Official title, if not a notary)

For a Notary: My commission expires \_\_\_\_\_ or [ ] is permanent NOTARY SEAL NOT REQUIRED



**CERTIFICATE OF APPOINTMENT TO THE SCHOOL BOARD**

STATE OF WISCONSIN }  
PITTSVILLE SCHOOL DISTRICT } ss.

Pursuant to section 17.26 of the Wisconsin Statutes, I, [insert name of the school district clerk], Clerk of the Pittsville 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, [insert the seat number or identify the seat’s apportioned area, if either is applicable]. 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, Pittsville School Board*