

# FILLING MID-TERM BOARD VACANCIES

---

- Based on a Summary of Legal Procedures & Timelines
- Based on California Education Code Sections 5090–5093

# KEY QUESTIONS

---

- 1. What are the applicable timelines for filling a Board vacancy?
- 2. If the Board makes a provisional appointment, what process must be followed?
- 3. Must the new member be seated within the 60-day timeframe?

# SUMMARY ANSWERS

---

- Timeline: Within 60 days, the Board must make a provisional appointment or order an election.
- Process: Legal steps for provisional appointment must be followed.
- Seating: Not required within 60 days—but should occur ASAP, no later than 30 days after appointment.

# LEGAL TIMELINE OVERVIEW

---

- California Ed Code §5091(a)
- 60 calendar days to:
  - Appoint provisionally
  - OR order an election
- If neither is done → County Superintendent must call an election

# OPTION I – ELECTION

---

- Two ways an election can be triggered:
  1. Board orders it instead of appointing
  2. Board does nothing within 60 days
- → Election held  $\geq$  130 days after order
- → Winner serves remainder of term




# OPTION 2 – PROVISIONAL APPOINTMENT

---

- Must be made within 60 days (August 30, 2025)
- Appointee serves until next regular Board election (2026)
  - The Board Member is a provisional appointment so they will only hold office until the next regularly scheduled election, which is November 2026, unless a valid petition for a special election is filed. If a valid petition for special election is not filed, then at the 2026 election there will be an election to fill the vacancy for the remainder of the unexpired term, so for 2026-2028 at the Districts expense
- Gains full powers and duties upon appointment

# LEGAL PROCESS FOR APPOINTMENT (ED CODE §5092)

---

- Within 10 days of appointment, District must:
-  Post notice of vacancy and appointee in 3 public places
-  Publish notice on District Website
-  Include appointment date, appointee's name, and vacancy details

# CHALLENGE TO APPOINTMENT

---

- Voters may file petition within 30 days
- If petition has enough valid signatures:
- 🗳️ Provisional appointment is terminated
- 🗳️ Special election held within 130 days
- If not valid → appointment stands

# ADDITIONAL NOTES

---

- Appointment must occur at a noticed Board meeting
- Boards may:
  - Accept applications
  - Use screening committees
  - Directly appoint
- Sample scripts & notices are recommended

# CONCLUSION

---

- The Board must act within 60 days
- Provisional appointee serves unless successfully challenged
- Early compliance ensures continuity and minimizes risk