



FIVE FAST FACTS

School board vacancies

Ohio law specifically identifies the circumstances that create a vacancy on a board of education. Although the law requires a board to fill the vacancy within a certain time period, the board has discretion in the process it uses to select a person to fill the vacancy.



1. A vacancy on a school board can occur in several ways.

There are seven specific events that can create a board vacancy: death; nonresidence; resignation; removal from office; failure of a person elected or appointed to qualify; removal from the district; and absence from board meetings for a period of 90 days if for reasons declared insufficient by a two-thirds vote of the remaining board members.

2. A vacancy created by a board member's resignation may necessitate additional board action.

The immediate and unconditional resignation of a board member is effective when submitted to the board and may not be withdrawn thereafter. However, if a board member submits a resignation to be effective at a future date, he or she may withdraw the resignation unless the remaining board members have formally voted to accept the resignation. Note that a board's refusal to accept the resignation has no bearing on whether the individual board member may actually leave service with the board.

3. There are specific time frames for filling a board vacancy.

The board must fill the vacancy at its next regular or special meeting, which is held at least 10 days after the vacancy occurs and within 30 days of the board member's resignation. If the board cannot or will not fill a vacancy within 30 days after a vacancy occurs, the probate court of the county in which the school district is located will fill the vacancy.

FAST FIVE FACTS ON SCHOOL BOARD VACANCIES

RESOURCES

Fact sheet: *Filling board of education vacancies*

<http://links.ohioschoolboards.org/42007>

OSBA's board vacancy tool kit

<http://links.ohioschoolboards.org/21104>

RC 3313.11

<http://Codes.ohio.gov/orc/3313.11>

4. A board of education has discretion in how they fill a vacancy.

The board is not required to follow any guidelines other than the time deadlines referenced above. It may be beneficial to have a procedure in place that determines how the board will solicit candidates and select the person to fill a vacancy. This procedure may already be included in board policy.

5. The term of the appointed board member may vary depending on the board member's appointment date.

If a person is appointed, that person will serve the shorter of either the completion of the term of the original board member *or* until Jan. 1 following the next regular board of education election, if the election occurs at least 90 days after the person is appointed. An appointee who serves less than the full remaining term of the original board member will serve until Jan. 1 following the completion of the first two years of the original board member's four-year term. A special election will be held in November for the remaining two years of the original board member's term.

If you have additional questions please contact OSBA's legal division at (614) 540-4000.



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OSBA leads the way to educational excellence by serving Ohio's public school board members and the diverse districts they represent through superior service, unwavering advocacy and creative solutions.

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August 2013