



Board Vacancies, No Applicants

09.03.2013

Question:

We are filling a board vacancy and it has been thirty days with no applicants from the zone. I believe that Idaho Code says that ninety days need to pass with no applicants from the zone before the board can open it up to applicants outside of the specific zone. Is there any way this can be expedited?

Answer:

No. There is no way to expedite this process without leaving the individuals appointment open to a legal challenge. The Idaho Code section pasted below is very clear on this matter:

33-504. Vacancies on boards of trustees. A vacancy shall be declared by the board of trustees when any nominee has been elected but has failed to qualify for office, or within thirty (30) days of when any trustee shall (a) die; (b) resign as trustee; (c) remove himself from his trustee zone of residence; (d) no longer be a resident or school district elector of the district; (e) refuse to serve as trustee; (f) without excuse acceptable to the board of trustees, fail to attend four (4) consecutive regular meetings of the board; or (g) be recalled and discharged from office as provided in law.

Such declaration of vacancy shall be made at any regular or special meeting of the board of trustees, at which any of the abovementioned conditions are determined to exist.

The board of trustees shall appoint to such vacancy a person qualified to serve as trustee of the school district provided there remains in membership on the board of trustees a majority of the membership thereof, and the board shall notify the state superintendent of public instruction of the appointment. Such appointment shall be made within ninety (90) days of the declaration of vacancy. After ninety (90) days, if the board of trustees is unable to appoint a trustee from the zone vacated, the board of trustees may appoint a person at-large from within the boundaries of the school district to serve as the trustee from the zone where the vacancy occurred. Otherwise, after one hundred twenty (120) days from the declaration of vacancy, appointments shall be made by the board of county commissioners of the county in which the district is situate, or of the home county if the district be a joint district.

Any person appointed as herein provided shall serve for the balance of the unexpired term of the office which was declared vacant and filled by appointment.

Unfortunately, State law does not allow for an expedited trustee appointment process. The Board must first declare the vacancy and then the date of the declaration of vacancy triggers the timeline for appointment in statute.

contact us with your question:



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