

Frequently Asked Questions for Appointing a Vacancy:

1. What are the requirements for filling a vacancy?

Idaho Law requires that public office holders on school boards be a registered elector, meaning they are over the age of 18 and are eligible and registered to vote in the school district. With the exception of districts that do not maintain trustee zones, the board member must reside within the boundaries of the zone that has been declared vacant.

2. What happens if nobody within the zone of the declared vacancy applies?

Idaho Law states, if after 90 days of the open vacancy, the school boards may solicit and receive applications from any registered elector who resides within the boundaries of the school district. Those applicants can be considered and appointed as an at-large position.

3. Can the at-large appointee run for re-election?

No, if an appointed board member is appointed at-large, they cannot run for re-election in a zone where they do not reside.

4. Does the appointed individual run for election in the next cycle?

All appointed board members serve the remainder of the term of that specific zone. At the end of their term, they must run for re-election.

5. What happens if we are unable to find an individual, or agree on the appointment of an individual, after 120 days?

After 120 days, the Board of County Commissioners will appoint an individual to serve on the school board.

6. Can we interview and deliberate about the interested applicants in a closed executive session?

No. The Open Meeting Law prohibits the process of appointing a public officer from being discussed or deliberated in an Executive Session. The entire process of the interview, deliberation, and final appointment must take place in an open session meeting.



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7. What happens if we have a split vote on every nomination? For example, we have a 2 – 2 split on our board.

All motions die on a split vote. The Board must continue further deliberations, discussions, or solicit applications until a majority of the board can agree on one candidate.

8. Are we required to interview all interested applicants?

Not necessarily. Because you're recruiting community members, the Board should entertain all interested applicants and interview them with neutrality. However, if you receive enough applicants that it is not feasible to consider all applicants in one round, you may consider a process where you narrow down to a group of finalists. *See ISBA's school board vacancy toolkit for ideas or contact ISBA or your legal counsel.*

9. Are we required to hold a panel interview?

No, you're not required to hold a panel interview. However, because the process takes place in an open session meeting, a panel interview of all final applicants is recommended to ensure that no candidate has an advantage over another. While you can ask other candidates not to participate in each other's individual interviews, you cannot prohibit them from attending a public meeting. This is why ISBA recommends holding a panel interview, where you may alternate who answers each question first to give each candidate a fair advantage.

10. Are charter schools required to follow this process?

A charter school shall consult with its charter bylaws and governing documents to see how it fills vacancies. However, charter school board members are still required to follow the Open Meeting law when it applies to interviewing and selecting candidates by the board.

11. When we make a final appointment, do they immediately become a voting member of the Board?

Idaho Law specifies that any appointed member takes the oath of office and becomes a voting member at the "next regular meeting, following the appointment." In other words, if you appoint the individual at your November meeting, they would not take the oath and begin voting until the December meeting. However, if you appointed them at a special meeting, they may begin at the next regularly scheduled meeting, which may be less than 30 days.

