VACANCIES

A vacancy occurs when a board member resigns, forfeits or otherwise leaves the office. A vacancy also includes, but is not limited to, the following: failure to be properly elected, failure to qualify within the time fixed by law, failure to reside in the school district or director district, or a court order.
If a vacancy occurs prior to the expiration of a term of office, the vacancy will be filled by board appointment within thirty days of the vacancy. The newly-appointed board member will hold the position until the next scheduled school election.

If the board is unable to fill a vacancy by appointment within thirty days after the vacancy occurs, the board secretary will call a special election to be held no sooner than sixty days and not later than seventy days after the vacancy occurred. A board member elected at the special election will serve the remaining portion of the unexpired term.

NOTE: This policy reflects Iowa law on what constitutes a board vacancy and the filling of board vacancies.

Legal Reference: Good v. Crouch, 397 N.W.2d 757 (Iowa 1986).
Board of Directors of Grimes Independent School Dist. v. County Board of Public Instruction of Polk Co., 257 Iowa 106, 131 N.W.2d 802 (1965).
Board of Directors of Menlo Consol. School Dist. v. Blakesburg, 240 Iowa 910, 36 N.W.2d 751 (1949).
Iowa Code §§ 21.6(3)(d); 69; 277.29-.30; 279.6-.7 (2013)
1944 Op. Att'y Gen. 39.

Cross Reference
201 Board of Directors' Elections
202 Board of Directors Members

Approved: January 8, 1973

Reviewed: December 8, 1986; January 10, 1994; August 14, 1995; July 14, 2003

Revised: August 1, 1977; October 19, 1998; March 9, 2009; February 10, 2014